

requirements.³⁰ Most noticeably absent from the holding were rights regarding parent or guardian involvement in the suspension process.³¹

While the guarantees of due process extended in Goss seem frail, at the time the case was decided, the American judicial system was in the middle of what has been dubbed a “due process revolution,” owing to the decade-long effort of the Supreme Court to lay the groundwork for stronger due process rights.³² Considering the evolved due process standards settled after Goss was handed down,³³ along with the significant harm students face when suspended for even a short time, the guaranteed process to students faced with short suspensions should, at the least, include an adult advocate in a more formal hearing.

The most fundamental landmark case in the evolved due process standards of the 1970s was handed down just a year after Goss was decided. In Mathews v. Eldridge, the Court put an end to the disorder and conclusively described how to determine what process is due to individuals.³⁴ However, applying the directions the Supreme Court laid out in Mathews for determining procedures due is considered by some to be a “deceptively simple task.”³⁵ The Court dictated multiple factors be “balanced” by courts in resolving what process to extend to parties. The balancing test includes weighing, “the private interest that will be affected by the specific action,” the risk of erroneous deprivation and value of additional procedures, and the government’s interest in avoiding burdens further process would entail.³⁶ But the Mathews Court envisioned a more holistic test than just the three factors above, echoing the sentiments of the

³⁰ See id.

³¹ See id.

³² Jason Parkin, Due Process Disaggregation, 90 NOTRE DAME L. REV. 283, 284 (2014) (noting the Supreme Court set strong due process precedents starting in the 1970s).

³³ Id.

³⁴ Mathews v. Eldridge, 424 U.S. 319 (1976).

³⁵ Parkin, supra note 32 at 286.

³⁶ Mathews v. Eldridge, 424 U.S. 319, 340-48 (1976).

Goldberg Court by holding that “the opportunity to be heard *must* be tailored to the capacities and circumstances of those who are to be heard.”³⁷ In the wake of Mathews, as numerous due process cases wound their way through the circuits, the Supreme Court further encouraged the consideration of “fundamental fairness” in the universe of due process.³⁸

In the case of short suspensions, the most impactful consideration in the due process framework is likely the capacities and circumstances of students faced with suspensions, which additionally implicates fundamental fairness. Suspensions are, admittedly, more common in secondary schools, but primary school suspensions are still a common practice.³⁹ Primary and secondary schools serve students aged six through eighteen. The legal age of majority in almost all states is eighteen, meaning, in most states, in the eyes of the law, only children are faced with suspensions.⁴⁰ Children, unquestionably, have a lack of capacity to advocate for themselves compared to adults.

A child’s lack of capacity to act as an advocate for themselves has historically motivated lawmakers to weigh the fairness of laws as they relate to them. For example, 170 years ago the Supreme Court of Ohio held a marriage void because one of the parties was only sixteen.⁴¹ In a similar vein, many states have increased their age of consent to eighteen.⁴² In the context of legal procedure, most states refuse to require minors to be heard in “adult” court when accused of a

³⁷ Id.; see Goldberg v. Kelly, 397 U.S. 254, 268 (1970).

³⁸ See, e.g., Santosky v. Kramer, 455 U.S. 745, 751 (1982) (acknowledging the Court *must* extend fundamentally fair procedures to parents faced with losing their children).

³⁹ See Daniel J. Losen & Paul Martinez, Lost Opportunities: How Disparate School Discipline Continues to Drive Differences in the Opportunity to Learn 21-23, UCLA CR. PROJ. (2020) (highlighting the fact that suspensions occur in both primary and secondary schools, but are more common in secondary schools) <https://www.civilrightsproject.ucla.edu/research/k-12-education/school-discipline/lost-opportunities-how-disparate-school-discipline-continues-to-drive-differences-in-the-opportunity-to-learn>.

⁴⁰ Age of Majority, CORNELL L. SCH. L. INFO. INST., last visited Nov. 7, 2022, https://www.law.cornell.edu/wex/age_of_majority.

⁴¹ See Shaffer v. State, 1851 WL 1 (Ohio Dec. 1, 1851).

⁴² WHAT IS THE LEGAL AGE OF CONSENT?, AGE OF CONSENT & SEXUAL ABUSE LAWS AROUND THE WORLD (last visited Nov. 4, 2022), <https://www.ageofconsent.net/states>.

crime until the age of eighteen.⁴³ Many states, like California, do not easily permit minors to enter contracts and allow them to disaffirm contracts before they reach the age of majority.⁴⁴ While a child's lack of capacity and vulnerability may seem like common sense as both contemporary and age-old laws demonstrate, modern research into a child's psychology further supports the fact that children do not possess the same capacity to represent themselves as adults. According to the psychologist Jean Piaget, children only begin to develop the skills to reason on concrete evidence between the ages of seven and eleven.⁴⁵

This lack of capacity to reason and advocate must be considered when contemplating what process to extend to children.⁴⁶ Quite obviously, those with less capacity require more robust procedural due process rights to counteract that lack of capacity and produce fundamentally "fair" procedures.⁴⁷ The Goss majority claims students should be given only an "informal hearing" to present their side of the story when faced with short suspensions.⁴⁸ Not only does the psychology of a child call into question the efficacy and fairness of them advocating for themselves in a suspension hearing, but the law has historically recognized exceptions to protect a child from their own vulnerabilities. Accordingly, having an adult advocate represent a student during a suspension hearing, on the one hand, promotes a more fundamentally fair process for students by allowing them an advocate with an increased capacity

⁴³ Age Axis, INTERSTATE COMMISSION FOR JUVENILES (last visited Nov. 4, 2022), <https://www.juvenilecompact.org/age-matrix>.

⁴⁴ See Cal. Fam. Code § 6700, 6701, 6710.

⁴⁵ See JEAN PIAGET, THE CHILD'S CONCEPTION OF THE WORLD 171-94 (Routledge & K. Paul ed., 1929); see also, O'rinova F. O'ljayevna, The Development of Logical Thinking of Primary School Students in Mathematics, 8 EUROPEAN J. OF RES. & REFLECTION IN EDUC. SCIENCES, 235, 236-38 (2020) (noting logical thinking involved in math is not developed in primary school children and must be actively developed).

⁴⁶ 424 U.S. 319, 349 (1976).

⁴⁷ See id.

⁴⁸ Goss v. Lopez, 419 U.S. 565, 579 (1975).

to reason, and, on the other hand, aligns with the historical treatment of children by the law due to their lack of capacity.

An equally important piece of the Mathews balancing test in this context is the “private interest that will be affected by the specific action”.⁴⁹ As discussed in Section I, the potential private interests implicated when short suspensions are levied against students are vast and complex, including an increased chance of low academic achievement,⁵⁰ dropping out,⁵¹ poverty, and incarceration.⁵² These considerations similarly support the presence of an adult advocate in short term suspension hearings.

Additionally, the private interest of education cannot easily be reapplied to a student after a suspension. In Mathews, the Court was less inclined to extend robust due process like a pre-loss hearing to an individual facing the loss of disability payments due to the fact payments could both easily be resumed and include “retroactive” payments if the court deemed the deprivation erroneous.⁵³ In the context of suspensions, students can easily “resume” their presence in the classroom when the suspension is over, but adequately resuming a student’s education does not equate to restarting cash payments and distributing those withheld.⁵⁴ As discussed in Section I, when suspended for even short periods, students forfeit the opportunity to build foundational knowledge to complete later lessons. In underfunded schools especially, students are often unable to receive any form of remedial instruction, regularly commencing an academic downward spiral.⁵⁵ While students may “return” to the classroom, the negative effects of short

⁴⁹ 424 U.S. 319, 321 (1976).

⁵⁰ See supra notes xx-xx and accompanying text.

⁵¹ See supra notes xx-xx and accompanying text.

⁵² See supra notes xx-xx and accompanying text.

⁵³ See Mathews v. Eldridge, 424 U.S. 319, 321 (1976). The Court contrasted this with the litigant in Goldberg, who had a “brutal need” for welfare payments. Id. The Goldberg Court considered this an important factor in calculating due process. See 397 U.S. 254, 258 (1970).

⁵⁴ See supra notes xx-xx and accompanying text.

⁵⁵ Id.

suspensions nevertheless persist. Therefore, short suspensions point to an especially necessary and difficult to replace private interest in education, unlike the temporary loss of disability payments in Mathews. This points to the necessity of an adult advocate in more formal short suspension proceedings to ensure fundamental fairness.

Lastly, the Court requires consideration of the risk of erroneous deprivation and the probable value of additional procedures.⁵⁶ Through a subjective moral lens, it can be argued that suspensions result in erroneous deprivation given students fail to deserve removal for the simple act of “disruption”, behavior that regularly triggers short suspensions. But opinions regarding what punishment is “deserved” certainly vary among educators.

Erroneous deprivation might objectively occur when students are suspended over false or misleading reports. A formal hearing with an adult representative can help encourage administrators to straighten out facts, preventing erroneous suspensions. In this sense, an adult advocate can be analogized to the essential process of police applying for search warrants. In his innovative article, Professor Stuntz argues search warrants serve an important protective function due to the fact they require a “police officer’s account of facts to be given”, positing that warrants requiring police to support a potential search with articulable and established fact reduce the chance of unjustified searches.⁵⁷ Similarly, requiring a hearing with an adult advocate obliges school administrators to produce authentic facts that support the proposed suspension, encouraging a substantial basis for the suspension in the first place, thus reducing the chance of erroneous suspensions.

⁵⁶ See 424 U.S. 319, 321 (1976).

⁵⁷ William J. Stuntz, Warrants and Fourth Amendment Remedies, 55 VA. L. REV. 881, 884 (1999).

Applicant Details

First Name **Vriddhi**
 Last Name **Sujan**
 Citizenship Status **Lawful permanent residents who are seeking citizenship as outlined in 8 U.S.C. Â§ 1324b(a)(3)(B)**

Email Address vsujan@jd24.law.harvard.edu

Address

Address
Street
27 Bow Street
City
Somerville
State/Territory
Massachusetts
Zip
02143

Contact Phone Number **2024362558**

Applicant Education

BA/BS From **George Washington University**
 Date of BA/BS **May 2013**
 JD/LLB From **Harvard Law School**
<https://hls.harvard.edu/dept/ocs/>
 Date of JD/LLB **May 1, 2024**
 Class Rank **School does not rank**
 Law Review/Journal **Yes**
 Journal(s) **International Law Journal**
 Moot Court Experience **No**

Bar Admission**Prior Judicial Experience**

Judicial
Internships/ **Yes**
Externships
Post-graduate
Judicial Law **No**
Clerk

Specialized Work Experience

Recommenders

Feldman, Noah
nfeldman@law.harvard.edu
617-495-9140

Borenstein, Isaac
judgeb@Bu.edu

Paredes, John
john.paredes@protectdemocracy.org
?_202_595-4299?

This applicant has certified that all data entered in this profile and any application documents are true and correct.

VRIDDHI SUJAN

(202) 436-2558 • vsujan@jd24.law.harvard.edu • 27 Bow Street, Apartment 2R, Somerville, MA 02143

June 12, 2023

The Honorable Juan R. Sánchez
James A. Byrne United States Courthouse
601 Market Street, Room 14613
Philadelphia, PA 19106-1729

Dear Chief Judge Sánchez:

I am a rising third year student at Harvard Law School and a summer associate at Cleary Gottlieb Steen & Hamilton. I am writing to apply for a clerkship in your chambers for the 2024–2025 term, or any subsequent term.

Please find enclosed my resume, transcripts, and writing sample. You will also receive letters of recommendation from the following people:

- Professor Noah Feldman, Harvard Law School, nfeldman@law.harvard.edu, (617) 495-9140
- Judge (ret.) Isaac Borenstein, Boston University School of Law, judgeb@bu.edu, (508) 479-4642
- John Paredes, Protect Democracy, john.paredes@protectdemocracy.org, (203) 928-7623

Prior to law school, I served as the Director of Board Relations and Strategic Planning at the Atlantic Council, a foreign policy think tank in Washington, D.C. There I developed acute attention to detail and strong communication and project management skills. As the person responsible for articulating the organization’s annual goals, I had to be thoughtful and deliberate in my writing. I have continued to develop these skills at Harvard, where I have worked extensively with the Democracy and Rule of Law Clinic.

Thank you for considering my application. Please do not hesitate to contact me if you need any additional information.

Respectfully,

/s/

Vriddhi Sujan

VRIDDHI SUJAN

(202) 436-2558 • vsujan@jd24.law.harvard.edu • 27 Bow Street, Apartment 2R, Somerville, MA 02143

EDUCATION

Harvard Law School, Cambridge, MA*Candidate for J.D.*, May 2024

Activities: Democracy and the Rule of Law Clinic, Spring 2023
Harvard Law International Journal, Submissions Editor, Fall 2022 – Spring 2023

Boston University School of Law, Boston, MA*Completed first year*, 2021 – 2022 (transferred to Harvard Law School)

Honors: G. Joseph Tauro Distinguished Scholar (Awarded to Top 5 in First-Year Section)
 Invited to join *Boston University Law Review*
 Dean's Award in Torts

Activities: Research Assistant to Judge (ret.) Isaac Borenstein, Spring 2023

The George Washington University, Elliott School of International Affairs, Washington, D.C.*Bachelor of Arts, cum laude in International Affairs, Minor in History*, May 2013

Concentrations: Conflict and Security; International Economics

Honors: Presidential Academic Scholarship
 Elliott School Honors

EXPERIENCE

Cleary Gottlieb Steen & Hamilton*Summer Associate*

Washington, D.C. and New York, NY

May 2023 – July 2023

- Conducted legal research for antitrust case in the Second Circuit.

Harvard Law School Democracy and the Rule of Law Clinic*Student Attorney, Protect Democracy*

Cambridge, MA

January 2023 – May 2023

- Performed legal research on *Daubert*, as applied to sociologists and police officers, and on remedies for spoliation of evidence.
- Supported project team in their preparation to take depositions.

U.S. District Court for the District of Columbia*Judicial Intern for the Honorable Tanya S. Chutkan*

Washington, D.C.

May 2022 – July 2022

- Conducted legal research and drafted memoranda on civil and criminal matters; attended hearings.

The Atlantic Council*Director, Board Relations & Strategic Planning**Deputy Director, Board Relations & Strategic Planning*

Washington, D.C.

September 2019 – August 2021

January 2018 – September 2019

- Reported to Chairman and President/CEO to cultivate relations with Board of Directors and International Advisory Board.
- Curated annual organizational strategy and adapted strategic priorities to reflect changes in business model due to COVID-19.
- Oversaw Executive, Nominating & Governance, and Strategy & Programs Board Committees and quarterly meetings.
- Forecasted annual Board budget, and executed annual dues campaign (\$22 million, 60% of organizational revenue).
- Vetted potential government funding through Board to ensure compliance with Foreign Agents Registration Act.
- Drove Board communications and business development strategies to preempt and respond to reputational issues.

*Associate Director, Board Relations & Business Development**Assistant Director, Development & Board Relations**Program Assistant, Office of External Relations*

July 2015 – January 2018

December 2013 – July 2015

July 2013 – December 2013

- Executed Executive Committee meetings and International Advisory Board meetings, including annual review process.
- Liaised internally/externally for Office of Chairman Jon Huntsman and supported Chairman's thought-leadership portfolio.

PUBLICATIONS

Populists-1, Globalists-0, ATLANTIC COUNCIL: NEW ATLANTICIST (Apr. 10, 2018), <https://www.atlanticcouncil.org/blogs/new-atlanticist/populists-1-globalists-0/>

Returning to Normal: Reintegrating Tatmadaw Child Soldiers, ELLIOTT SCH. UNDERGRADUATE SCHOLARS J., May 2013, at 84-105

PERSONAL

Hobbies: Practicing yoga and barre; doing NYT Spelling Bee; and making candles. Languages: Hungarian (fluent).

Harvard Law School

Date of Issue: May 26, 2023
 Not valid unless signed and sealed
 Page 1 / 1

Record of: Vriddhi Sujan
 Current Program Status: JD Candidate
 Pro Bono Requirement Complete

JD Program		3182	Tibet and China Sangay, Lobsang	~	1
First year completed at Boston University.				Fall 2023 Total Credits:	16
Fall 2022 Term: September 01 - December 31				Winter 2024 Term: January 02 - January 19	
2000	Administrative Law Freeman, Jody	P 4	2249	Trial Advocacy Workshop Sullivan, Ronald	~ 3
2035	Constitutional Law: First Amendment Feldman, Noah	P 4			Winter 2024 Total Credits: 3
2074	Environmental Law Lazarus, Richard	P 4	2086	Federal Courts and the Federal System Fallon, Richard	~ 5
2728	The Ethics and Governance of Artificial Intelligence Zittrain, Jonathan	CR 1	2169	Legal Profession: Complex Litigation Rubenstein, William	~ 2
Fall 2022 Total Credits: 13				Spring 2024 Total Credits:	7
Winter 2023 Term: January 01 - January 31				Total 2023-2024 Credits:	26
7000W	Independent Writing Feldman, Noah	H 2	End of official record	Total JD Program Credits:	54
Winter 2023 Total Credits: 2					
Spring 2023 Term: February 01 - May 31					
2048	Corporations Sanga, Sarath	H 4			
8049	Democracy and the Rule of Law Clinic Schwartztol, Larry	H 3			
2994	Legal Tools for Protecting Democracy and the Rule of Law in America Schwartztol, Larry	H 2			
2212	Public International Law Blum, Gabriella	H 4			
Spring 2023 Total Credits: 13					
Total 2022-2023 Credits: 28					
Fall 2023 Term: August 30 - December 15					
3216	Advanced Constitutional Law Feldman, Noah	~ 4			
2050	Criminal Procedure: Investigations Whiting, Alex	~ 4			
2079	Evidence Schulman, Emily	~ 4			
2226	Sex Equality MacKinnon, Catharine	~ 3			



HARVARD LAW SCHOOL
 Office of the Registrar
 1585 Massachusetts Avenue
 Cambridge, Massachusetts 02138
 (617) 495-4612
www.law.harvard.edu
registrar@law.harvard.edu

Transcript questions should be referred to the Registrar.

In accordance with the Family Educational Rights and Privacy Act of 1974, information from this transcript may not be released to a third party without the written consent of the current or former student.

A student is in good academic standing unless otherwise indicated.

Accreditation

Harvard Law School is accredited by the American Bar Association and has been accredited continuously since 1923.

Degrees Offered

J.D. (Juris Doctor)
 LL.M. (Master of Laws)
 S.J.D. (Doctor of Juridical Science)

Current Grading System

Fall 2008 – Present: Honors (H), Pass (P), Low Pass (LP), Fail (F), Withdrawn (WD), Credit (CR), Extension (EXT)

All reading groups and independent clinicals, and a few specially approved courses, are graded on a Credit/Fail basis. All work done at foreign institutions as part of the Law School's study abroad programs is reflected on the transcript on a Credit/Fail basis. Courses taken through cross-registration with other Harvard schools, MIT, or Tufts Fletcher School of Law and Diplomacy are graded using the grade scale of the visited school.

Dean's Scholar Prize (*): Awarded for extraordinary work to the top students in classes with law student enrollment of seven or more.

Rules for Determining Honors for the JD Program

Latin honors are not awarded in connection with the LL.M. and S.J.D. degrees.

May 2011 - Present

<i>Summa cum laude</i>	To a student who achieves a prescribed average as described in the <u>Handbook of Academic Policies</u> or to the top student in the class
<i>Magna cum laude</i>	Next 10% of the total class following <i>summa</i> recipient(s)
<i>Cum laude</i>	Next 30% of the total class following <i>summa</i> and <i>magna</i> recipients

All graduates who are tied at the margin of a required percentage for honors will be deemed to have achieved the required percentage. Those who graduate in November or March will be granted honors to the extent that students with the same averages received honors the previous May.

Prior Grading Systems

Prior to 1969: 80 and above (A+), 77-79 (A), 74-76 (A-), 71-73 (B+), 68-70 (B), 65-67 (B-), 60-64 (C), 55-59 (D), below 55 (F)

1969 to Spring 2009: A+ (8), A (7), A- (6), B+ (5), B (4), B- (3), C (2), D (1), F (0) and P (Pass) in Pass/Fail classes

Prior Ranking System and Rules for Determining Honors for the JD Program

Latin honors are not awarded in connection with the LL.M. and S.J.D. degrees.

Prior to 1961, Harvard Law School ranked its students on the basis of their respective averages. From 1961 through 1967, ranking was given only to those students who attained an average of 72 or better for honors purposes. Since 1967, Harvard Law School does not rank students.

<u>1969 to June 1998</u>	<u>General Average</u>
<i>Summa cum laude</i>	7.20 and above
<i>Magna cum laude</i>	5.80 to 7.199
<i>Cum laude</i>	4.85 to 5.799

June 1999 to May 2010

<i>Summa cum laude</i>	General Average of 7.20 and above (exception: <i>summa cum laude</i> for Class of 2010 awarded to top 1% of class)
<i>Magna cum laude</i>	Next 10% of the total class following <i>summa</i> recipients
<i>Cum laude</i>	Next 30% of the total class following <i>summa</i> and <i>magna</i> recipients

Prior Degrees and Certificates

LL.B. (Bachelor of Laws) awarded prior to 1969.

The I.T.P. Certificate (not a degree) was awarded for successful completion of the one-year International Tax Program (discontinued in 2004).



BOSTON UNIVERSITY SCHOOL OF LAW

Name: SUJAN, VRIDDHI V

Date Entered: 09/07/2021

Colleges and Degrees:

GEORGE WASHINGTON UNIVERSITY, B.A. 5/19/2013 CUM LAUDE

Degree Awarded:

Date Graduated:

Honors:

Other Law School Attendance:

Academic Record		Credits	Grades
Semester 1 - 2021 -2022			
CIVIL PROCEDURE (D)	COLLINS	4	A-
CONTRACTS (D)	O'BRIEN	4	A
LAWYERING SKILLS I	VOLK	2.5	A
TORTS (D1)	BORENSTEIN	4	A+
Semester 2 - 2021 -2022			
CONSTITUTIONAL LAW (D)	WEXLER	4	A-
CRIMINAL LAW (D)	LEONARD	4	A
LAWYERING LAB	VOLK ET AL	1	P
LAWYERING SKILLS II	VOLK	2.5	A+
MOOT COURT	VOLK	-	P
PROPERTY (D)	LAWSON	4	A
Semester 3 - 2021 -2022			
BUSINESS FUNDAMENTALS	WALKER/TUNG	-	W/D

G. Joseph Tauro Distinguished Scholar

WITHDREW 8/4/2022

Year	Hours	Weighted Points	Weighted Average					
1st	29/30	115.55	3.98					

1974 Family Educational Rights and Privacy Act Information

The information contained on this transcript is not subject to disclosure to any other party without the expressed written consent of the student or his/her legal representative. It is understood this information will be used only by the officers, employees and agents of your institution in the normal performance of their duties. When the need for this information is fulfilled, it should be destroyed.

Status: (Good Standing is certified unless otherwise noted)

This record is a certified transcript only if it bears an official signature below.

Aida E. Ten
Aida E. Ten, Registrar

Date Printed: 6/6/2023

**Boston University School of Law
Transcript Guide**
SYMBOLS OR ABBREVIATIONS

AUD	Audit	H	Honors
CR	Credit	NC	No credit
P	Pass	F	Fail
W/D	Withdrawal from course		
*	Indicates currently enrolled		
(C)	Clinical		
(S)	Seminar		
(Y)	Year-long course		

Academic Qualifications—JD Program: The School of Law has a letter grading system in courses and seminars. The minimum passing grade in each course and seminar is a D. Beginning with the Class of 2017, a minimum of eighty-five passing credit hours must be completed for graduation. Prior classes required a minimum of eighty-four passing credit hours. The minimum average for good standing is C (2.0) and the minimum average for graduation is C+ (2.3). Prior to 2006 the minimum average for good standing and graduation was C (2.0).

GRADING SYSTEM

1. **Current Grading System** The following letter grade system is effective fall 1995. The faculty has set the following as an appropriate scale of numerical equivalents for the letter grading system used in the School of Law:

A+	4.3	C+	2.3
A	4.0	C	2.0
A-	3.7	C-	1.7
B+	3.3	D	1.0
B	3.0	F	0
B-	2.7		

For all courses and seminars with enrollments of 26 or more, grade distribution is mandatory as follows:

A+	0-5%
A+, A, A-	20-30%
B+ and above	40-60%
B	10-50%
B- and below	10-30%
C+ and below	0-10%
D, F	0-5%

2. Fall 1995-Spring 2008

For first-year courses with enrollment of twenty-six or more, grade distribution is mandatory as follows:

A+	0-5%
A+, A, A-	20-25%
B+ and above	40-60%
B	10-50%
B- and below	10-30%
C+ and below	5-10%
D, F	0-5%

3. 1991 Changes to Letter Grade System.

The curve is mandatory for all seminars or courses with enrollments of twenty-six or more. Grade Number Equivalent Curve

A+	4.5	
A	4.0	15-20%
B+	3.5	
B	3.0	50-60%
C+	2.5	
C	2.0	20-35%
D	1.0	
F	0	

The median for all courses with enrollments of twenty-six or more is B. For smaller courses, a median of B+ is recommended but not required.

**GRADES FOR COURSES TAKEN
OUTSIDE THE SCHOOL OF LAW**

Grades for courses taken outside of BU Law are recorded as transmitted by the issuing institution or as CR. Credit toward the degree is granted for these courses and no attempt is made to convert those grades to the BU Law grading system. The grade is not factored into the law school average.

CLASS RANKS

BU Law does not rank students in the JD program with the following exceptions:

Mid-Year Ranks

Effective May 2014, the Registrar is authorized to release the g.p.a. cut-off points to the top 5%, 10%, 15%, 20%, 25% and one-third for the fifth semester in addition to third semester reporting adopted May 2013 and yearly reporting of the same.

Effective January 2013

For students who have completed their third semester, with respect to the cumulative average earned during the fall semester, the Registrar will inform the top fifteen students of their rank and will provide g.p.a. cut-off points for the top 10 percent, 25 percent and one-third of the class. This is in addition to the yearly reporting described below.

Effective May 2011

For students who have completed their first year, the Registrar will inform the top five students in each section of their section rank and will provide grade point average cut-offs for the top 10 percent, 25 percent and one-third of each section.

For students who have completed their second year or third year, with respect to both the average earned during the most recent year and cumulative average, the Registrar will inform the top fifteen students of their rank and will provide g.p.a. cut-off points for the top 10 percent, 25 percent and one-third of the class.

Class of 2008 and subsequent classes through April 2011.

For students who have completed their first year, the Registrar will inform the top five students in each section of their section rank and will provide g.p.a. cut-off points for the top 10 percent of each section.

For students who have completed the second year or third year, with reference to both the second-year or third-year g.p.a. and cumulative g.p.a., the Registrar will inform the top fifteen students in the class of their ranks and will provide g.p.a. cut-off points for the top 10 percent of the class.

**Scholarly Categories
(Based on yearly averages only)**

Class of 2008 and subsequent classes:
First Year – the top five students in each first-year section will be

designated G. Joseph Tauro

Distinguished Scholars. The remaining students in the top ten percent of each first-year section will be designated G. Joseph Tauro Scholars.

Second Year – the top fifteen students in the second year class will be designated Paul J. Liacos Distinguished Scholars. The remaining students in the top ten percent of the second-year class will be designated Paul J. Liacos Scholars.

Third Year – the top fifteen students in the third year class will be designated Edward F. Hennessey Distinguished Scholars. The remaining students in the top ten percent of the third-year class will be designated Edward F. Hennessey Scholars.

Graduate Program Transcript Guides
LL.M. in Taxation
Current Grading System:

A+	4.3	C+	2.3
A	4.0	C	2.0
A-	3.7	C-	1.7
B+	3.3	D	1.0
B	3.0	F	0
B-	2.7		

The grade averages of continuing part-time students whose enrollment began before the fall 1995 semester were converted to the new number equivalents.

Fall 1991 to Spring 1995

From the fall 1991 semester through the spring 1995 semester, the following letter grading system was in effect for students who were graduated before the fall 1995 semester:

A+	4.5	C+	2.5
A	4.0	C	2.0
B+	3.5	D	1.0
B	3.0	F	0.0

Current Degree Requirements

Effective May 2016, completion of 24 credits. Minimum average of 2.3 and no more than one grade of D.

Spring 1993 to Fall 2015

Completion of 24 credits. Minimum average of 3.0 and no more than one grade of D.

Fall 1991 to Fall 1993

Completion of ten courses (20 credits). Minimum average of 3.0 (with no more than one grade below 1.0).

**LL.M. in Banking and
Financial Law**
Current Grading System

A+	4.3	C+	2.3
A	4.0	C	2.0
A-	3.7	C-	1.7
B+	3.3	D	1.0
B	3.0	F	0
B-	2.7		

Current Degree Requirements

Effective April 2016, completion of 24 credits with a minimum average of 2.7 and no more than one grade of D or F.

Fall 2012 to Spring 2016

Completion of 24 credits with a minimum average of 3.0 and no more than one grade of D or F.

Fall 1991 to Fall 2012

Completion of ten courses (20 credits). Minimum average 3.0 (with no more than one grade below 1.0).

LL.M. in American Law
Current Grading System:

A+	4.3	C+	2.3
A	4.0	C	2.0
A-	3.7	C-	1.7
B+	3.3	D	1.0
B	3.0	F	0
B-	2.7		

Current Degree Requirements

Completion of twenty-four course credits with at least ten credits per semester. The minimum average for good standing and graduation is 2.3. Minimum course average is 2.0.

LL.M. in Intellectual Property Law
Current Grading System:

A+	4.3	C+	2.3
A	4.0	C	2.0
A-	3.7	C-	1.7
B+	3.3	D	1.0
B	3.0	F	0
C-	2.7		

Current Degree Requirements

Completion of twenty-four course credits with at least ten credits per semester. The minimum average for good standing and graduation is 2.3. Minimum course average is 2.0.

**Executive LL.M. in
International Business Law**
Current Grading System:

A+	4.3	C+	2.3
A	4.0	C	2.0
A-	3.7	C-	1.7
B+	3.3	D	1.0
B	3.0	F	0
B-	2.7		

Current Degree Requirements

Effective Spring 2014, completion of twenty credits with a minimum g.p.a. of 3.0 including the successful completion (CR) of two colloquia.

Grading System prior to Spring 2014

Honors (H)	Credit (CR)
Very Good (VG)	No Credit (NC)
Pass (P)	Fail (F)

Requirements Prior to Spring 2014

Completion of six courses (18 credits) and two colloquia (2 credits) for a total of 20 credits. The minimum passing grade for each course is Pass (P). The minimum passing grade for each colloquium is Credit (CR).

5/2016 rev2

Boston University's policies provide for equal opportunity and affirmative action in employment and admission to all programs of the University.



Transcript Guide Addendum

JURIS DOCTOR PROGRAM

LL.M. IN AMERICAN LAW PROGRAM

LL.M. IN INTELLECTUAL PROPERTY LAW PROGRAM

Grading System – Distribution Requirements

Effective Fall 2019

For all courses and seminars with enrollments of 26 or more, grade distribution is mandatory as follows:

A+	2-5 %
A+, A	15-25%
A+, A, A-	30-40%
B+ and above	50-70%
B	15-50%
B- and below	0-15%
C+ and below	0-10%
D, F	0-5%

Fall 2020

The distribution requirement for Fall 2020 upper-class courses with 26 or more students was suspended. Upper-level courses with 26 or more students were required to conform to a B+ median.

Effective Spring 2021

For all upper-level courses with an enrollment of 26 or more a B+ median is required with the following additional constraints:

A+	Maximum 5%
A+, A, A-	Minimum 30%
B and below	Minimum 10%
B- and below	Maximum 15%
C+ and below	0-10%
D, F	0-5%

June 05, 2023

The Honorable Juan Sanchez
James A. Byrne United States Courthouse
601 Market Street, Room 14613
Philadelphia, PA 19106-1729

Dear Judge Sanchez:

I write to recommend Vriddhi Sujan for a clerkship in your chambers. She's smart, extraordinarily hard-working, and deeply thoughtful. It's a pleasure to recommend her.

I first got to know Vriddhi when she was a student in my First Amendment course in fall 2022. She stood out for her subtle, well-considered classroom comments. She always knew the law, but she could also go beyond the doctrine to explore the theory behind it. She immediately struck me as particularly open-minded and utterly free of any ideological presuppositions of any kind. In office hours she was also engaging and interested. I formed a very favorable impression of her, and agreed to supervise an independent paper in the term that followed.

As Vriddhi wrote her paper on cancel culture through the lens of the First Amendment, I read perhaps four drafts and met with her each time for a detailed conversation. What she demonstrated to me was an extraordinary willingness to take on our questions with creativity and a generally open mind. She was able to disentangle constitutional arguments from cultural and political ones, which not every student of the First Amendment is able to carry off with such sophistication. Ultimately, she ended up convincing me of her overall approach, despite the skepticism with which I initially viewed her early drafts. It was an impressive performance throughout.

I can therefore say with confidence that Vriddhi writes well and clearly and that she thinks in a highly logical, orderly manner. She will make a strong law clerk. And, she learns as she goes, as evidenced by the marked improvement in her grades from her first semester at Harvard Law after transferring from BU Law School to her second semester.

I recommend her loudly and very much hope you will interview her and get a sense of what a thoughtful person she is.

Sincerely yours,

Noah Feldman
Felix Frankfurter Professor of Law
Harvard Law School
Cambridge, MA 02138

Noah Feldman - nfeldman@law.harvard.edu - 617-495-9140

Boston University School of Law

765 Commonwealth Avenue
Boston, Massachusetts 02215
www.bu.edu/law



June 12, 2023

To Whom It May Concern,

It is a pleasure to write a recommendation for Ms. Vriddhi Sujan, an applicant for a clerkship in your chambers for the 2024-2025 term, or any subsequent term.

I know Vriddhi very well as a student in my first-year Torts class, and also worked closely with her in her research and drafting of a Motion for Discovery and Motion to Suppress Evidence in a felony narcotics trafficking case, for which I served as defense counsel. She is one of the very best students I have had at Boston University School of Law, where I have taught for some time now. I wrote a recommendation letter for her to transfer to Harvard Law School, where she just finished her 2L year. Although it was a shame to see her leave BU Law, I was confident she would continue to thrive at Harvard Law School.

Vriddhi was recognized and received the prize as the best student in my Torts class of about 45 JD students. Her exam—based on two essay questions—was superbly written and exemplified her strong writing skills. Her grade was an A +. But, in addition, she attended class every day and consistently contributed with excellent questions and points she raised during our lectures and Socratic discussions. Vriddhi is uniquely adept at understanding and analyzing varying legal doctrines and applying them to complex fact patterns.

I have taught at several law schools, both part time and full time in the last 30 + years, and Vriddhi is the type of student that makes being a professor a pleasure and a learning experience. I also met with her during office hours on a regular basis, having long and interesting discussions on a variety of legal and policy issues. She is extremely bright, hardworking and curious about many subjects. Equally important, Vriddhi was liked and respected by both her peers and other professors at BU Law.

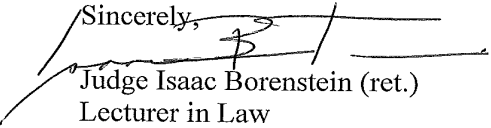
Vriddhi also excelled on the research work I hired her to help me on. She researched and helped draft a superb Motion for Discovery and Motion to Suppress Evidence in a felony narcotics trafficking case, which we won. Vriddhi handled the case with utmost professionalism, recognizing the delicacy and high stakes of the matter we were dealing with. She took both initiative and direction and asked smart and informed questions throughout the process.

I was a state court trial judge in Massachusetts for 22 years, often handling the most complex civil and criminal cases, pretrial and presiding over trials. I relied heavily on my law clerks and law school interns. As I mentioned above, I have been a law professor for many years. In the last 45 years or so, I have taught and/or supervised the work of several thousand students and young lawyers. I rank Vriddhi easily in the top 5 % of these.

I recommend her to you in the strongest terms and know that she will contribute significantly to your chambers.

Please let me know if you need further information about this excellent candidate.

Sincerely,



Judge Isaac Borenstein (ret.)
Lecturer in Law
Boston University School of Law
email: Judgeb@bu.edu
cell: (508) 479-4642



June 12, 2023

Your Honor,

I write with great excitement to recommend Vriddhi Sujan for a clerkship in your chambers. Vriddhi is a very intelligent, mature, and conscientious student. She's a gifted researcher and writer, possesses great judgment and attention to detail, and is a terrific colleague. I'm confident she will be a top-notch law clerk.

I got to know Vriddhi over the course of the Spring 2023 semester while supervising her work in the Democracy and Rule of Law Clinic at Harvard Law School. The clinic has two components. First, students participate in the litigation and other advocacy projects of the non-profit organization Protect Democracy, where I am an attorney. Second, students enroll in a seminar ("Legal Tools for Protecting Democracy and the Rule of Law in America"), which covers conceptual topics related to democratic institutions while also serving as a practicum focused on a wide array of advocacy tools. Along with my Protect Democracy colleagues, I supervise student work for the organization's litigation matters.

Protect Democracy is a non-profit advocacy group formed in 2017 to defend democratic norms and institutions. Almost all our legal work involves novel questions in highly contested areas, and that work also interacts with tools that are not strictly legal, such as policy or media advocacy. Like all our students, Vriddhi was asked to tackle clinic projects requiring engagement with complex legal and factual terrain, where our advocacy goals necessitated high levels of rigor as well as creativity and sophistication.

I supervised the bulk of Vriddhi's clinic work this past semester, where she worked on two related lawsuits imposing accountability for the October 30, 2020 "Trump Train" attack on a Biden-Harris campaign bus in Texas, perpetrated by more than 40 vehicles driven by Trump supporters. The suits seek to impose liability under the Ku Klux Klan Act of 1871, 42 U.S.C. §§ 1985(3), 1986, on individuals who conspired to mount the coordinated assault on the bus, and on one particular jurisdiction where law enforcement refused or failed to respond appropriately. Vriddhi wrote two in-depth memos for the litigation team, one surveying the *Daubert* case law applicable to our prospective experts; and another on the available remedies and evidentiary considerations for sanctioning an institutional defendant for certain serious instances of spoliation. These were wide-ranging memos where she was responsible for covering broad legal topics and applying them to the circumstances of our litigation to inform case strategy, making decisions on what to include and what to cut, and flagging any issues that the team should pay attention to. She executed these assignments excellently, requiring not more than light supervision.

Vriddhi is a very talented researcher and writer. I gave her broad assignments with a similar amount of context I would give a reliable junior attorney, and she came back each time, on time or early, with an on-point, well researched and organized, and easy-to-read memo. She

did not require the handholding I frequently expect to provide when working with students. She did a great job identifying the key issues and relevant case law, understanding the appropriate level of detail in which to cover an issue, and organizing and conveying it all in lively prose. She was unfailingly punctual and no-drama in turning writing assignments around. And finally, she was attentive and receptive to feedback and executed general revision notes well. She showed no signs of sensitivity to criticism of her writing, asked follow-up questions to make sure she understood the reasoning behind feedback and the right way to execute it, and was equally willing to take a hatchet or scalpel to her writing as appropriate.

With regard to the *Daubert* memo, Vriddhi wrote it not yet having taken evidence. She took it upon herself to learn the body of law and understand how it fit into our particular context. Her memo displayed mastery of the law and judgment in identifying the cases that provided the most actionable guidance for our team in working with our experts.

And with regard to the spoliation memo, she digested and synthesized a massive volume of district and magistrate judge opinions to provide us with actionable guidance on the considerations courts take into account applying their wide discretion in addressing spoliation. She extracted from the jumble of fact-bound, often terse case law useful principles in crafting appropriate remedies for cases of spoliation involving varying degrees of prejudice and culpability, as well as varying levels of evidentiary support as to those two factors. She also spotted a legal subtlety—a recent change in the Federal Rules of Civil Procedure that had been inconsistently applied in our jurisdiction—that attorneys on our team might otherwise have missed.

Beyond her legal talent and skill, Vriddhi has a wonderful disposition. She's professionally mature and reliable. She takes ownership of her piece of the work, understands how it fits into the broader project, and is unfailingly on point and punctual. She communicates well about her workload and any potential impediments to completing her work on time. She works really hard, is eager to learn, and is a warm presence in the workplace. I am confident she will make an excellent law clerk.

Please let me know if I can provide any further information about Vriddhi's application.

Sincerely,



John Paredes

Counsel

(203) 928-7623

john.paredes@protectdemocracy.org

Vriddhi Sujan

27 Bow Street, Somerville, MA 02143
(202) 436-2558 • vsujan@jd24.law.harvard.edu

Writing Sample

Please find attached an appellate brief I submitted as my final assignment for the spring semester of my first-year Legal Writing class. The assignment was to draft an appellate brief for the U.S. government, the Appellee, following the Appellant's appeal to the Third Circuit. I was instructed to work with a partner to conduct research and write a brief answering two questions: (1) Whether Appellant's trash cans were located within his home's curtilage; and (2) whether Appellant had a reasonable expectation of privacy in the trash placed within his trash shed. I have redacted the portions of the brief written by my partner.

ESD-22-D3-R6

QUESTIONS PRESENTED

- I. Whether the district court correctly held that Appellant's trash cans were located outside the curtilage of Appellant's home because they were 150 feet from Appellant's home and outside the home's immediate enclosure.
- II. [REDACTED]

TABLE OF CONTENTS

Questions Presented	ii
Table of Contents	iii
Proceedings Below	1
Statement of the Case	2
Summary of the Argument.....	4
Argument	6
I. THE DISTRICT COURT CORRECTLY HELD THAT APPELLANT’S TRASH CANS WERE OUTSIDE THE CURTILAGE BECAUSE THEY WERE NOT IN CLOSE PROXIMITY TO THE HOME OR WITHIN THE ENCLOSURE SURROUNDING THE HOME.....	7
A. <u>The trash cans were not in close proximity to the home because they were 150 feet from Appellant’s home.</u>	9
B. <u>The trash cans were outside of the home’s immediate enclosure because they were outside the white picket fence.</u>	10
C. <u>Appellant did not use the area with the trash cans for intimate activities of the home.</u>	11
D. <u>Appellant did not take any measures to protect the area with the trash cans from public observation.</u>	12
II. [REDACTED]	
Conclusion	15

PROCEEDINGS BELOW

On January 15, 2021, Cal Naffrey (“Appellant”) was arrested for passport forgery and wire fraud in connection to fake artwork. [R. 4]. On March 1, 2021, Appellant was indicted on two counts of falsely making a passport, in violation of 18 U.S.C. § 1543, and a single count of wire fraud, in violation of 18 U.S.C. § 1343. [R. 1]. On March 2, 2021, Appellant pled not guilty to all charges. [R. 1].

On September 23, 2021, at a pretrial motion argument in the United States District Court for the District of New Jersey, Appellant moved to suppress evidence. He argued that the F.B.I.’s search of his trash cans violated his Fourth Amendment rights. [R. 1]. At the hearing on this motion, the government conceded that the seized evidence was their only direct proof of Appellant’s violation. [R. 4].

On November 1, 2021, the trial court denied Appellant’s motion to suppress evidence, finding that the government had not violated Appellant’s Fourth Amendment Rights. [R. 9]. On December 21, 2021, Appellant was convicted on two counts of falsely making a passport, in violation of 18 U.S.C. § 1543 and a single count of wire fraud, in violation of 18 U.S.C. § 1343, and was sentenced to five years in federal prison. [R. 12].

Appellant filed a timely appeal of his conviction to the United States Court of Appeals for the Third Circuit on the grounds that the trial court erred in denying his motion to suppress. [R. 1]. On February 12, 2022, this Court granted Appellant’s request for appellate review to consider the Fourth Amendment claim raised below. [R. 1].

STATEMENT OF THE CASE

Appellant Cal Naffrey (“Appellant”), who was recently let off probation, lives in a single-family house in Sterling, New Jersey. [R. 1]. Shortly after being let off probation, Appellant was placed under police surveillance by Special Agent Beter Purke (“Purke”) in connection with a string of suspicious dealings with local leaders of a New York art forgery ring. [R. 3].

Appellant’s property in Sterling is abutted to the west by Neighbor 1’s property and on the remaining three sides by public land: (1) a public beach to the north; (2) a public pathway and woods to the east; and (3) a town sidewalk to the south. [R. 2, 11]. Naturally occurring trees (“Protected Trees”) are located on the eastern border of Appellant’s property that partially obscure the public’s view of Appellant’s backyard. [R. 2]. There are no signs or other demarcations indicating where the Protected Trees end and Appellant’s property begins. [R. 2]. Throughout the year, members of the public frequently stray from the pathway leading to the beach into these Protected Trees. [R. 2]. Despite extensive knowledge of these incursions onto his property, Appellant has not made any effort to stop the public from accessing this land, and rarely uses it himself. [R. 2]. Instead, Appellant constructed a white picket fence separating his home and private backyard from the eastern quadrant of the property. [R. 2, 11].

Appellant stores his trash cans in a construction area in the eastern quadrant of the property, approximately 150 feet from the east side of his house. [R. 3]. An unfinished guest home, which Appellant abandoned construction on a few years ago, is adjacent to the trash cans. [R. 2]. The construction area is encircled on three sides by plastic construction fencing, and on the western side by the white picket fence. [R. 3]. Appellant’s wife occasionally enters the area to retrieve stored fertilizer for her garden, located 100 feet from the trash cans directly outside

the white picket fence. [R. 3]. Appellant, however, seldom uses the area with the trash cans and unfinished guest home. [R. 2-3].

Appellant's trash is collected from the left side of Appellant's driveway on Friday mornings. [R. 3]. A local town ordinance forbids residents from placing trash on the curb before 5:00 PM the day before trash pickup. [R. 3]. Because Appellant was leaving for a trip on a Wednesday, Appellant did not move his trash to the curb prior to his departure. [R. 3]. On Friday, January 22, 2021, Purke, who was monitoring Appellant's residence, walked down the beach pathway abutting Appellant's property before entering the Protected Trees. [R. 3]. In doing so, Purke saw the trash cans facing the plastic fencing with their lids slightly open. [R. 3].

Without crossing the plastic fencing, Purke reached into the trash cans and remove two items: a small cardboard box and an opaque plastic garbage bag. [R. 3]. Purke immediately transported these items to FBI headquarters. [R. 4]. Upon further investigation, Purke ascertained the box contained two attempted forged passports with Appellant's likeness. [R. 4]. The opaque garbage bag contained a near-perfect replica of the "Storm on the Sea of Gaililee," a famously missing painting stolen over thirty years ago with a ten-million-dollar reward for its return. [R. 4].

Appellant was arrested and charged with passport forgery and wire fraud in connection with the fake artwork on January 25, 2021. [R. 4].

SUMMARY OF THE ARGUMENT

This Court should affirm the district court's denial of Appellant's motion to suppress because the trash cans in which the police found evidence were outside the curtilage of Appellant's home, where he had no reasonable expectation of privacy. Consequently, the government did not violate Appellant's Fourth Amendment right to be secure in his home from unreasonable searches and seizures.

The trash cans were outside the curtilage of Appellant's home for the following reasons: (1) the trash cans were 150 feet from Appellant's home and thus not in close proximity to the home; (2) the trash cans were outside the white picket fence and thus outside the home's immediate enclosure; (3) Appellant did not use the area with trash cans for "intimate activities of the home;" and (4) Appellant did not take any measures to protect the area with the trash cans from public observation. Holistically, these factors demonstrate that the area with the trash cans was not intimately tied to the home and thus was outside the curtilage.

[Redacted].

This Court should affirm the district court's judgment and deny Appellant's motion to suppress.

ARGUMENT

This Court should affirm the district court’s denial of Appellant’s motion to suppress because the district court correctly found that the government’s search of Appellant’s trash did not violate his Fourth Amendment Rights.

The Fourth Amendment guarantees that “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated” U.S. Const. amend. IV. Evidence seized in violation of the Fourth Amendment cannot be used against the victim of an illegal search and seizure. United States v. Calandra, 414 U.S. 338, 347 (1974); see also Collins v. Virginia, 138 S. Ct. 1663, 1672 (2018).

At its core, the Fourth Amendment protects an individual’s right to retreat to their home and there be free from governmental intervention. Florida v. Jardines, 569 U.S. 1, 6 (2013). Thus, the Fourth Amendment protects the curtilage, the area surrounding the home, because it is “intimately linked to the home” and “where privacy expectations are the most heightened.” Id. Four considerations factor into whether an area is within the curtilage of a home: (1) the “proximity” of the purported curtilage to the home; (2) whether the area is “within an enclosure surrounding the home”; (3) the nature of the area’s usage; and (4) the steps taken to protect the area from “observation by people passing by.” United States v. Dunn, 480 U.S. 294, 301 (1987).

In addition, the Fourth Amendment also protects what a person “seeks to preserve as private, even in an area accessible to the public.” Katz v. United States, 389 U.S. 347, 351 (1967). The extent of such protection is determined based on an individual’s subjective and objective expectations of privacy. Id. at 360–61 (1967) (Harlan, J., concurring). Thus, whether a search and seizure is constitutional under the Fourth Amendment depends on two questions: (1) whether the area subject to the search and seizure was within the curtilage and (2) whether the

victim of the search and seizure had a reasonable expectation of privacy in the area. Id. at 360–61; see also Oliver v. United States, 466 U.S. 170, 177 (1984).

Here, the police searched and seized evidence from Appellant’s trash. The trash cans were outside the curtilage of Appellants home for the following reasons: (1) the trash cans were 150 feet from Appellant’s home and thus not in close proximity to the home; (2) the trash cans were outside the home’s immediate enclosure; (3) Appellant did not use the area with trash cans for “intimate activities of the home;” and (4) Appellant did not take any measures to protect the area with the trash cans from public observation. See Dunn, 480 U.S. at 301. Therefore, the trash cans were outside the curtilage.

[Redacted].

Thus, the district court correctly denied Appellant’s motion to suppress because the government’s search of Appellant’s trash did not violate his Fourth Amendment Rights.

I. THE DISTRICT COURT CORRECTLY HELD THAT APPELLANT’S TRASH CANS WERE OUTSIDE THE CURTILAGE BECAUSE THEY WERE NOT IN CLOSE PROXIMITY TO THE HOME OR WITHIN THE ENCLOSURE SURROUNDING THE HOME.

This Court should affirm the district court’s finding that Appellant’s trash cans were outside the curtilage of Appellant’s home. In reviewing a district court's denial of a motion to suppress, the Court should apply a mixed standard of review. Factual findings are reviewed only for clear error, while legal determinations based upon application of law to fact are subject to *de novo* review. United States v. Alexander, 888 F.3d 628, 631 (2d Cir. 2018). Thus, factual determinations about the use, privacy, and the physical characteristics of Appellant’s property are “reviewable for clear error only.” Id. The question of curtilage, that is, whether the admitted

facts about Appellant’s property establish that the trash cans were outside the curtilage, is subject to *de novo* review. Id.

At the core of the Fourth Amendment is an individual’s right to “retreat into his home and there be free from unreasonable governmental intrusion.” Jardines, 569 U.S. at 6. The Fourth Amendment also protects the land surrounding the home, defined as the curtilage, because it is “associated with the sanctity of a man’s home and the privacies of life” Oliver, 466 U.S. at 180. Four considerations factor into whether an area is within the curtilage of a home: (1) the “proximity” of the purported curtilage to the home; (2) whether the area is “within an enclosure surrounding the home”; (3) the nature of the area’s usage; and (4) the steps taken to protect the area from “observation by people passing by.” Dunn, 480 U.S. at 301. These factors serve as an analytical tool to ascertain whether the area in question is “so intimately tied to the home itself that it should be placed under the home’s ‘umbrella’ of Fourth Amendment protection.” Id.

Here, the district court correctly found the trash cans were outside the curtilage for the following reasons: (1) the trash cans were 150 feet from Appellant’s home and thus were not in close proximity to the home; (2) the trash cans were outside the white picket fence and thus outside the enclosure directly surrounding the home; (3) Appellant did not use the area with the trash cans for “intimate activities of the home;” and (4) Appellant did not take any measures to protect the area with the trash cans from public observation. See id. Holistically, these factors demonstrate that the area with the trash cans was not intimately tied to the home and thus was outside the curtilage. Therefore, this Court should affirm the district court’s finding that Appellant’s trash cans were outside the curtilage.

- A. The trash cans were not in close proximity to the home because they were 150 feet from Appellant’s home.

The trash cans were 150 feet from Appellant's home and thus were not in close proximity to the home. An area's proximity to the home helps determine whether it belongs to the curtilage. See Dunn, 480 U.S. at 302 (finding that barn 180 feet from home was not within the curtilage because of substantial distance between home and barn). While an area further than seventy-five feet of the home will be outside the curtilage in many cases, the precise parameters of the curtilage is a fact-specific inquiry that depends on the home's surroundings. See United States v. Reilly, 76 F.3d 1271, 1277 (2d Cir. 1996) (finding that curtilage around a house in an urban setting extends to a much smaller area than curtilage around a house in a rural area where the dwelling is subject to one owner's control); see also United States v. Acosta, 965 F.2d 1248, 1256 (3d Cir. 1992) (finding that proximity may be less determinative of the curtilage in an urban environment because of the physical characteristics of the property). Moreover, an area that is closer to the property line than to the home is more likely to be outside the curtilage. United States v. Hayes, 551 F.3d 138, 148 (2d Cir. 2008) (finding that hedge sixty-five feet from home was outside the curtilage because it was located at the edge of the property and served as a border demarcation); United States v. Long, 176 F.3d 1304, 1309 (10th Cir. 1999) (finding that trailer closer to public alleyway than home was outside the curtilage).

Here, the trash cans were 150 feet from Appellant's home. Because of the substantial distance between the trash cans and Appellant's home, the trash cans were outside the curtilage. See Dunn, 480 U.S. at 302. Moreover, Sterling, in which Appellant's home is located, is a suburban area, where Appellant's property abuts Neighbor 1's property on its west side and a town-owned pathway on its east side. Thus, Appellant's property is distinct from one in a rural setting where the curtilage around the home can reach a larger area because the entire dwelling is subject to the owner's control. See Reilly, 76 F.3d at 1277; Acosta, 965 F.2d at 1256. Finally, the

trash cans were located next to the Protected Trees that effectively demarcated where Appellant's property line ends, further suggesting that the trash cans were not close enough to the home to be within the curtilage. See Hayes, 551 F.3d at 148; Long, 176 F.3d at 1309. The trash cans' distance from Appellant's home and their adjacency to the edge of Appellant's property line, coupled with the suburban nature of Appellant's property, suggest that the trash cans were not sufficiently proximate to Appellant's home to be within the curtilage.

B. The trash cans were outside the home's immediate enclosure because they were located beyond the white picket fence.

The trash cans were outside the enclosure surrounding the home. Whether an area is within an enclosure surrounding the home, and thus within the area "to which activity of home life extends," factors into the curtilage analysis. Dunn, 480 U.S. at 302. An exclusionary fence surrounding a home can demark the area "immediately adjacent to the house that . . . is part and parcel of the house." Id. (finding that area outside exclusionary fence was not part of home's enclosure because it stood out as a "distinct portion" of the property). Where properties have both an interior fence immediately surrounding the home and an exterior fence demarcating the property line, anything outside the interior fence is outside the enclosure and thus more likely to be outside the curtilage. See id. (holding that barn outside interior fence enclosing home was separated from residence and thus outside the curtilage even though it was surrounded by exterior, perimeter fence); see also Bleavins v. Bartels, 422 F.3d 445, 452 (7th Cir. 2005) (finding that garbage and tool shed were outside the curtilage because they were outside the interior fence separating defendant's living area).

Here, the trash cans were in a construction area outside the white picket fence surrounding Appellant's home. Construction fencing further encircled the construction area with the trash cans, which also included the garden and the unfinished guest house. The white picket

fence surrounding Appellant's home served as an interior, exclusionary fence, marking the area "immediately adjacent to the house that . . . [was] part and parcel of the house." See Dunn, 480 U.S. at 302. Even though construction fencing surrounded the trash cans, the construction fence merely demarked the construction area rather than what was "part and parcel of the house." See id. Moreover, because the white picket fence separated the construction area from Appellant's home, the area with the trash cans stood out as a "distinct portion" of the property. See id. Thus, because the trash cans were located beyond the interior, white picket fence, the trash cans were outside the enclosure surrounding the home.

C. Appellant did not use the area with the trash cans for intimate activities of the home.

Appellant did not use the area with the trash cans for "intimate activities of the home." Whether homeowners use a given area for "intimate activities of the home" factors into whether the area is part of the home's curtilage. Id. at 302. Garbage deposit or storage areas are not typically connected with any intimate activities of the home. See Bleavins, 422 F.3d at 452–53 (finding that the area defendant used primarily for storage and parking was not connected with any intimate activities of the home); Long, 176 F.3d at 1309 (holding that it was hard to imagine "anyone using an area in which garbage was regularly deposited for the intimate activities of the home"). Objective data can indicate how a homeowner uses a given area. Dunn, 480 U.S. at 302 (finding that officers possessed aerial evidence indicating barn in question was used for storage and not part of respondent's home); United States v. Jenkins, 124 F.3d 768, 773 (6th Cir. 1997) (finding that police officers could clearly see that defendants used area for hanging laundry).

Here, the trash cans were located next to Appellant's unfinished guest house that Appellant abandoned construction on a few years ago. As such, Appellant seldom spent time near or around the trash cans. Furthermore, Appellant's wife only used the area to store fertilizer for her garden, which was located directly outside the white picket fence, 100 feet from the trash

cans. Because Appellant used the area with the trash cans primarily for garbage deposit and storage, it was likely disconnected from any intimate activities of the home. See Bleavins, 422 F.3d at 452–53; Long, 176 F.3d at 1309. Moreover, the construction fence surrounding the trash cans, coupled with the abandoned construction project near the trash cans, indicate that Appellant did not use the area for any intimate activities of the home. See Dunn, 480 U.S. at 302; Jenkins, 124 F.3d at 773.

D. Appellant did not take any measures to protect the area with the trash cans from public observation.

Appellant did not take any measures to protect the area with trash cans from public observation. Because the concept of curtilage is rooted in privacy, the extent to which landowners take steps to protect their property from public observation can help define the reach of the curtilage. See Dunn, 480 U.S. at 301 (finding that area was outside the curtilage because fences surrounding area were designed to corral livestock and not prevent public observation). A homeowner’s acquiescence to the public’s use of an area on their property can indicate they did not intend to shield it from public view. See Long, 176 F.3d at 1308 (finding that defendant did not shield trailer from public view because he allowed public to access area). In order to manifest a privacy interest, homeowners must take actual steps to obstruct the public’s view of their property and cannot rely on naturally occurring foliage to do so. See Bleavins, 422 F.3d at 452–53 (finding that defendant did not take steps to manifest a privacy interest by erecting a barbed wire fence over which the public could readily peer into the property); see also United States v. Davis, 530 F.3d 1069, 1079 (9th Cir. 2008) (finding that defendant had no legitimate expectation of privacy around workshop because nothing except trees prevented detectives from observing workshop); Hayes, 551 F.3d at 148 (holding that defendant could not rely on natural vegetation to obscure public’s view of the property and create a legitimate privacy expectation).

Here, Appellant made no effort to stop the public from crossing over his property line from the Protected Trees, which were directly adjacent to the trash cans. Such acquiescence to the public's use of his land indicated that Appellant did not intend to shield the area with the trash cans from public view. See Long, 176 F.3d at 1308. Moreover, knowing that the area with the trash cans was readily viewable to the public, Appellant only erected a construction fence, which did little to protect the area from public observation. See Bleavins, 422 F.3d at 452–53. Finally, while the Protected Trees partially obscured the public's view of Appellant's backyard, Appellant did not actually plant the trees and thus did not have a legitimate expectation of privacy in the backyard. See Davis, 530 F.3d at 1079; Hayes, 551 F.3d at 148. Collectively, Appellant's actions demonstrate that he did not take any measures to protect the area with the trash cans from public observation.

To conclude, this Court should affirm the district court's judgment that the trash cans were outside the curtilage of Appellant's home because: (1) the trash cans were 150 feet from Appellant's home and thus not in close proximity to the home; (2) the trash cans were outside the enclosure directly surrounding the home; (3) Appellant did not use the area with the trash cans for "intimate activities of the home;" and (4) Appellant did not take any measures to protect the area with the trash cans from public observation.

II. REDACTED

CONCLUSION

For the foregoing reasons, the U.S. Government respectfully requests that this Court
AFFIRM the judgment of the district court and requests from this Court all other relief that is
just and equitable.

Respectfully submitted,
U.S. Government

By its attorneys,
Issue 1 Attorney
Issue 2 Attorney

Applicant Details

First Name **Diana**
 Last Name **Sweeney**
 Citizenship Status **U. S. Citizen**
 Email Address dianajs2@illinois.edu
 Address

Address

Street
2027 Hazelwood Court, APT. B
 City
Urbana
 State/Territory
Illinois
 Zip
61801
 Country
United States

Contact Phone
 Number **4046970569**

Applicant Education

BA/BS From **Georgia Institute of Technology**
 Date of BA/BS **December 2020**
 JD/LLB From **University of Illinois, College of Law**
http://www.nalplawsonline.org/ndlsdir_search_results.asp
 Date of JD/LLB **May 14, 2024**
 Class Rank **5%**
 Law Review/Journal **Yes**
 Journal(s) **Journal of Law, Technology & Policy**
 Moot Court
 Experience **No**

Bar Admission**Prior Judicial Experience**

Judicial Internships/
Externships **Yes**
Post-graduate Judicial
Law Clerk **No**

Specialized Work Experience

Specialized Work
Experience **Patent**

Recommenders

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ama@illinois.edu

**This applicant has certified that all data entered in this profile and
any application documents are true and correct.**

June 12, 2023

The Honorable Juan Sanchez
James A. Byrne United States Courthouse
601 Market Street, Room 14613
Philadelphia, PA 19106-1729

Dear Judge Sanchez:

I am a rising third-year law student at the University of Illinois College of Law and am interested in clerking for you during the 2024–2025 term. I have included my resume, transcripts, and a writing sample for your review. I have also included letters of recommendation from Professor Jacob Sherkow, Professor Andrea Augustine, and Beth Lloyd, law clerk to the Honorable Sharon Johnson Coleman.

During my second year in law school, I externed for the Honorable Sharon Johnson Coleman in the Northern District of Illinois, which inspired my interest in clerking. The comradery, work, values, and dedication to serving the judiciary left me wanting more. I thoroughly enjoy legal research and writing, particularly in the judicial context. As an extern, I honed in on the legal writing and research skills necessary to be a successful clerk and am confident I will not only be a strong asset in your chambers from the start, but will continue to improve my skills.

My work ethic, quick learning, and curiosity will add immediate value to your chambers. Having completed my undergraduate degree in materials engineering at Georgia Tech while being a competitive member and treasurer of the Equestrian Club, my discipline and drive started early. Working in patent law forced me to learn quickly and constantly adapt my thinking to accommodate diverse technologies and areas of law. I am now the Editor-in-Chief of the Journal of Law, Technology & Policy, greatly enhancing my leadership, writing, and organizational skills.

Thank you for your time and consideration. If you have any questions or would like additional materials, please contact me at dianajs2@illinois.edu or (404) 697-0569.

Sincerely,

Diana Sweeney

Diana Sweeney

Diana Sweeney

2027 Hazelwood Ct. Apt. B, Urbana, IL 61801 • (404) 697-0569 • dianajs2@illinois.edu

EDUCATION

University of Illinois College of Law

Juris Doctor, GPA: 3.77/4.00, Class Rank: 10/205 (tied)

Urbana, IL

Expected May 2024

- Harbo Scholar (Top 10%): Spring 2022, Fall 2022, Spring 2023; Dean's List (Top 30%): Fall 2021
- Editor-in-Chief, *Journal of Law, Technology & Policy*, 2023 – 2024
- Teaching Assistant, *Trademark, Unfair Competition & Consumer Protection*, Fall 2023
- Teaching Assistant, *Introduction to Intellectual Property*, Spring 2023
- CALI Award (top score in class), Constitutional Law

The Georgia Institute of Technology

Bachelor's of Science, Materials Science and Engineering

Atlanta, GA

December 2020

- Competitive Equestrian and Treasurer, Georgia Tech Equestrian Club
- Member and Volunteer, Alpha Chi Sigma professional fraternity, Alpha Omega Chapter

WORK EXPERIENCE

Knobbe Martens Olson & Bear

2L Summer Associate

New York, NY

July – August 2023

Alston & Bird

2L Summer Associate

Atlanta, GA

May – July 2023

1L Summer Associate

May – July 2022

- Contributed to patent prosecution and litigation matters for technologies including: telecommunications, real estate investment mechanisms, and delivery software apparatuses.
- Drafted responses to office actions with assistance from attorneys.
- Updated and edited invalidity and noninfringement opinion letters with new law and arguments.
- Researched and presented the state of the law at the intersect of NFTs, copyrights, and trademarks.
- Compiled and organized research on police brutality lawsuits for a pro bono project.

Patent Agent Intern

January 2020 – August 2021

- Contributed to patent prosecution and litigation matters for technologies including: combustion engines, cushioning conversion machines, LED configurations, bacteria-killing LED mechanisms, electrochemical cells, dishwashing machines, ocular cleaning pads, clothing dyeing machines, and GPS software apparatuses.
- Drafted patent applications with assistance for: a phoropter shield and a nipple cover for nursing mothers.
- Researched and presented prior art and case law for patent litigation cases and Inter Partes Review proceedings.
- Drafted responses to office actions and conducted interviews with Examiners with assistance from attorneys.
- Researched patentability on inventions and drafted opinions for clients.

The Honorable Sharon Johnson Coleman, N.D. III.

Judicial Extern

Chicago, IL (remote)

August – December 2022

- Drafted portions of a motion to dismiss opinion for a case implicating the Illinois Consumer Fraud Act.
- Conducted research and drafted an internal memo assessing the constitutionality of firearm restrictions under the Second Amendment in light of recent United States Supreme Court precedent.

The Volkswagen Group of America

Paint Shop Engineering Intern

Chattanooga, TN

January – May 2019

- Managed and co-engineered mechanical and electrical installations to improve production.
- Co-managed projects by working with suppliers and outlining financial needs and engineering scopes of work.

PROFESSIONAL LICENSES

- Licensed Patent Agent: Registration No. 80,205



UNIVERSITY OF ILLINOIS URBANA - CHAMPAIGN

Urbana, Illinois 61801

Student Name: Sweeney, Diana J

University ID: 665561466

Issue Date: 06 - Jun - 23

Level: Law - Urbana-Champaign

Day - Month of Birth: 29 - Oct

Most Recent Program(s) College : Law Major : Law				SUBJ NO. COURSE TITLE CRED GRD PTS R			
SUBJ NO. COURSE TITLE CRED GRD PTS R				Institution Information continued:			
INSTITUTION CREDIT:				Spring 2023 - Urbana-Champaign			
Fall 2021 - Urbana-Champaign				Law			
Law				LAW 643 Trademark & Unfair Competition 3.00 A+ 12.00			
LAW 601 Contracts 4.00 B+ 13.32				LAW 679 Criminal Proc: Adjudication 3.00 A 12.00			
LAW 602 Property 4.00 B+ 13.32				LAW 696 Law Teaching Practicum 2.00 S 0.00			
LAW 604 Criminal Law 4.00 A- 14.68				LAW 696 Journal of Law Tech & Policy 1.00 S 0.00			
LAW 609 Legal Writing & Analysis 2.00 A- 7.34				LAW 792 Writing for Law Practice 2.00 A 8.00			
LAW 627 Legal Research 1.00 A 4.00				LAW 797 Economics of IP 2.00 A- 7.34			
Ehhrs: 15.00 GPA-Hrs: 15.00 QPts: 52.66 GPA: 3.51				LAW 798 First Amendment 2.00 A- 7.34			
Deans List				Ehhrs: 15.00 GPA-Hrs: 12.00 QPts: 46.68 GPA: 3.89			
Spring 2022 - Urbana-Champaign				***** TRANSCRIPT TOTALS *****			
Law				Earned Hrs GPA Hrs Points GPA			
LAW 603 Torts 4.00 A 16.00				TOTAL INSTITUTION 61.00 54.00 204.00 3.77			
LAW 606 Constitutional Law I 4.00 A 16.00				TOTAL TRANSFER 0.00 0.00 0.00 0.00			
LAW 607 Civil Procedure 4.00 B+ 13.32				OVERALL 61.00 54.00 204.00 3.77			
LAW 610 Introduction to Advocacy 3.00 A 12.00				***** END OF TRANSCRIPT *****			
LAW 792 Fund of Legal Practice 1.00 S 0.00							
Ehhrs: 16.00 GPA-Hrs: 15.00 QPts: 57.32 GPA: 3.82							
Harno Scholar							
Fall 2022 - Urbana-Champaign							
Law							
LAW 645 Patent Law 4.00 A 16.00							
LAW 692 Fall Externship 2.00 S 0.00							
LAW 696 Journal of Law Tech & Policy 1.00 S 0.00							
LAW 797 Intro to Intellectual Property 4.00 A 16.00							
LAW 797 Trade Secret Law 2.00 A+ 8.00							
LAW 797 Patent Research & Strategy 2.00 A- 7.34							
Ehhrs: 15.00 GPA-Hrs: 12.00 QPts: 47.34 GPA: 3.94							
***** CONTINUED ON NEXT COLUMN *****							

Page 1

Recipient: DIANAJS2@ILLINOIS.EDU

Meghan Hazen, Registrar

Student email: dianajs2@illinois.edu

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UNIVERSITY OF ILLINOIS URBANA-CHAMPAIGN
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FULL TRANSCRIPT EXPLANATION IS AVAILABLE ON THE WEB AT: <http://go.illinois.edu/transcript>

Transcript information for students who attended the University of Illinois Urbana-Champaign prior to 1982 is available at: https://registrar.illinois.edu/wp-content/uploads/2018/06/pre_1982_key.pdf

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Higher Learning Commission of the North Central Association of Colleges and Schools.

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United States District Court for the Northern District of Illinois
219 S. Dearborn Street, Rm. 1260
Chicago, IL 60604

June 12, 2023

The Honorable Juan Sanchez
James A. Byrne United States Courthouse
601 Market Street, Room 14613
Philadelphia, PA 19106-1729

Dear Judge Sanchez:

I am delighted to recommend Diana Sweeney for a clerkship in your chambers. Diana served as an extern for Judge Sharon Johnson Coleman in the Northern District of Illinois during fall 2022. As Judge Coleman's senior law clerk, I supervised Diana's work and can attest that she will make a superb clerk.

It is not often that a clerk can completely trust an extern with an assignment, but Diana's impeccable critical thinking, research, and writing skills made her a valuable asset upon whom we could rely. For example, after seeing Diana's promise, I tasked her with drafting the primary portion of an opinion on a motion to dismiss a putative class action under the Illinois Consumer Fraud and Deceptive Business Practices Act. Diana was careful in her research and analysis and artfully defined the line of deceptive advertising in our case. Ultimately, her draft was wholly incorporated into the opinion. She showed equal promise when tackling even more complex and difficult issues. Diana wrote a thoughtful memo about the implications of *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 142 S. Ct. 2111 (2022), on the constitutionality of certain gun offenses under 18 U.S.C. § 922(g). Though completed under time pressure at the end of her externship, Diana crafted a well-organized analysis of the opinion's effects and compilation of other relevant case law. Diana's excellent work product demonstrates her potential as a law clerk, and I am confident these skills will serve her well when drafting opinions in your chambers.

In addition to her first-rate legal prowess, Diana displayed immense maturity and professionalism during her externship. I should note that Diana completed her externship primarily remotely—that she didn't allow the remote nature of her externship to interfere with the quality of her experience serves as a testament to her hard work and dedication to her education. Due to the increase in telephonic hearings in Judge Coleman's courtroom, Diana was able to consistently listen in on Judge Coleman's court call. Of her own accord, she monitored the Judge's calendar and listened in on interesting hearings outside of her regular externship hours. To make the most of her experience, she also traveled to Chicago to observe a criminal jury trial. Finally, Diana is an exquisite communicator, which made supervision of her externship easy and enjoyable. I was constantly impressed when Diana proactively scheduled meetings with me to ask sharp questions about her projects and her observations during court.

In sum, Diana possesses all the qualities necessary to make her a star law clerk. She is intelligent, motivated, mature, and a true joy to work with. I highly recommend Diana for a position in your chambers and am happy to answer any additional questions you may have.

Sincerely,

Beth Macnab Lloyd
Senior Law Clerk to the Honorable Sharon Johnson Coleman
United States District Court for the Northern District of Illinois
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(763) 486-7333
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**Jacob S. Sherkow**

Professor of Law, College of Law
 Professor of Medicine, Carle Illinois College of Medicine
 Professor, European Union Center
 Affiliate, Carl R. Woese Institute for Genomic Biology
 Director, Intellectual Property and Technology Law Program
 University of Illinois at Urbana-Champaign
 504 East Pennsylvania Avenue, M/C 594
 Champaign, IL 61820-6909
 jsherkow@illinois.edu
 217.300.3936

May 6, 2023

Dear Judge,

I write to highly recommend Diana Sweeney as a law clerk in your chambers. Diana is incredibly bright and quietly confident, dedicated, hard-working, and eager. She is close to the top of her class here at Illinois and the Editor-in-Chief of the *Journal of Law, Technology & Policy*, where I have worked with her closely. Were I a judge, I would readily hire Diana to be my law clerk.

Diana was a student in my large Fall 2022 Patent Law class, where she received an A, and wrote the second-best exam. The blindly graded exam was laden with facts and required students, over the course of eight hours, to produce a thoughtful analysis of competing facts and interrelated issues. Diana's exam was detailed, clear, and methodical, a piece of true workmanship.

In class, Diana was quiet—but when called upon, unfailingly had the correct answers to all of my questions. Whereas some students were overeager and others were downright timid, Diana exuded a quiet confidence—an almost calming presence—to what was sometimes a boisterous classroom. It was a delight to hear her speak and analyze the opinions of the day.

Outside of the classroom, I've gotten to know Diana as an editor and, now, Editor-in-Chief, of the *Journal of Law, Technology & Policy*, where I am one of two faculty advisors. Diana was elected to that position by her peer editors, a show of respect from her classmates and a strong signal of their enthusiasm to work with her. Diana's tenure as Editor-in-Chief was marked by major changes to the journal and its operations: the move to complete peer-review; an online-format; a new website, that required hiring web designers and programmers; and changes in the system by how articles were reviewed and sourced. Given these changes, Diana's responsibilities were far greater than they would typically be—an enormous ask considering this is largely a volunteer position. Nonetheless, Diana exhibited no complaints and her work never faltered. To the contrary, her work on these issues was superlative and above and beyond that of a student editor. The journal was lucky to have her.

Beyond these achievements, Diana is detail-oriented, diligent, and inquisitive. She is interested in both the big and small picture of her work—and knows which questions to ask to enable her to produce the best results. She runs matters down so that she leaves no stone

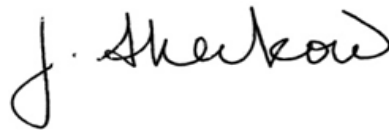
Sherkow re Sweeney

p. 2

unturned. And she needs little prompting or supervision to get things done. These qualities, in combination with her sparking intellect, will serve to make her a first class lawyer—and law clerk.

Please feel free to reach out to me if you have any questions about Diana or this letter. I hope she has the opportunity to join your chambers after she graduates.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Sherkow". The signature is fluid and cursive, with a large initial "J" and a stylized "S" for "Sherkow".

Jacob S. Sherkow

UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN

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University of Illinois College of Law
504 E. Pennsylvania Ave.
Champaign, IL 61820

June 13, 2023

The Honorable Juan Sanchez
James A. Byrne United States Courthouse
601 Market Street, Room 14613
Philadelphia, PA 19106-1729

Dear Judge Sanchez:

It has come to my attention that Diana Sweeney is applying for a clerkship position in your Court. I am writing to enthusiastically recommend Ms. Sweeney to you for your clerkship program.

During the Fall 2022 semester, Ms. Sweeney was a student in two of my courses at the University of Illinois Urbana-Champaign College of Law—LAW 797A Introduction to Intellectual Property and LAW797D Trade Secret Law. In both of these courses, Ms. Sweeney excelled receiving grades of A and A+, respectively. As a student in my classes, Ms. Sweeney was always well-prepared. She provided thoughtful answers to questions and grasped the nuance of certain doctrine in a way that demonstrates her advanced insight and keen attention to the finer points of law.

Having been impressed with Ms. Sweeney's performance in class and on the final exams, I asked Ms. Sweeney to serve as the teaching assistant for the Spring 2023 semester of Introduction to Intellectual Property. In this capacity, Ms. Sweeney researched and prepared presentations for certain points of law (not covered in the textbook) and contemporaneous application of the law to cases pending in federal court. Ms. Sweeney then presented these topics in class and engaged in the Socratic method with students to both stimulate their interest and cultivate discussion. With each presentation, I witnessed Ms. Sweeney take command of the law and present in a measured, thoughtful, and interesting manner. She was very successful in getting students to contribute and even respectfully disagree with each other. It was a pleasure to have such a dedicated and smart assistant with whom to collaborate and teach.

Overall, I find Ms. Sweeney to be an exceptional, stand-out student. She is mature, very intelligent, and hard-working, but also creative and thought-provoking. I truly enjoyed discussing doctrine and modern-day application of the law with Ms. Sweeney. She has the ability to discern the facts, identify the issues, notice the subtle nuances and differences between cases and facts and outcomes, and further consider how the current doctrine might apply to issues of first impression. In my opinion, Ms. Sweeney would be an excellent and well-regarded law clerk. She will be dedicated to serving in this capacity and become a trusted and reliable colleague.

In short, Ms. Sweeney would be an asset to your clerkship program. I have no hesitation in recommending her to you in the very highest terms.

If you require any additional information, please do not hesitate to contact me. Thank you for your consideration of this recommendation.

Regards,
Andrea M. Augustine

Adjunct Professor, University of Illinois Urbana-Champaign - College of Law

Augustine Andrea - ama@illinois.edu

Diana Sweeney

2027 Hazelwood Ct. Apt. B, Urbana, IL 61801

(404) 697 - 0569 ▪ dianajs2@illinois.edu

The following is a memorandum written for a Writing for Legal Practice course taken Spring 2023. The memorandum is written in opposition to the defendant's motion for summary judgment. The case involved Title VII opposition and, in particular, whether an employee's opposition was reasonable. This writing sample contains minimal to no edits from the professor. This writing sample is the exact assignment turned in, with no edits after grading and comments.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

KARA KRAMER,)	
)	
Plaintiff,)	
)	Case No. C-23-1287
vs.)	
)	
TRANQUIL INN, INC.,)	
)	
Defendants.)	

PLAINTIFF’S MEMORANDUM OF LAW IN OPPOSITION TO
DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

INTRODUCTION

In 2021 alone, 5,581 sexual harassment charges were filed with the Equal Employment Opportunity Commission; of those, 40.8% were filed with a retaliation charge.¹ This case is about retaliation after speaking out against sexual harassment. Plaintiff Kara Kramer sued her former employer, Defendant Tranquil Inn, for retaliation under Title VII when she was fired after speaking out about her superior sexually harassing her. Compl. ¶¶ 1, 16-17, 19; 42 U.S.C. § 2000e et seq. Before the Court is Defendant’s Motion for Summary Judgment. Fed. R. Civ. P. 56(a). This Court should deny Defendant’s motion because Kramer engaged in reasonable opposition. First,

¹ *Sexual Harassment in Our Nation’s Workplace*, U.S. EQUAL EMP. OPPORTUNITY COMM’N (Apr. 2022), [https://www.eeoc.gov/data/sexual-harassment-our-nations-workplaces#:~:text=EEOC%20Charge%20Data%20\(FY%202018,27%2C291%20charges%20alleging%20sexual%20harassment.](https://www.eeoc.gov/data/sexual-harassment-our-nations-workplaces#:~:text=EEOC%20Charge%20Data%20(FY%202018,27%2C291%20charges%20alleging%20sexual%20harassment.)

Kramer advocating for harassment-free workplaces while accepting an award for her contribution to safety was reasonable informal opposition and furthered Tranquil Inn's interests. Kramer Dep. 4:1-3, 4:19-25. Second, Kramer advocating to her colleagues about their rights to a harassment-free workplace did not interfere with her work nor cause disruption, and was thus reasonable. Id. at 5:13-16; Kalwani Dep. 3:17-21.

STATEMENT OF FACTS

On September 14, 2022, single mother Kara Kramer was grabbed and kissed by her workplace superior, Adam Flanders, a father and grandfather. Kramer Dep. 1:14-15, 2:31-34, 3:24-26. Three days later, Kramer spoke about the need for safe workplaces when accepting an award for her work on the Tranquility Committee, a workplace committee promoting safety and comfort. Compl. ¶¶ 14-16; Kramer Dep. 4:21-23; Kalwani Dep. 2:13-21. Less than a month later, Kramer was fired. Compl. ¶¶ 16, 19.

Kramer was a desk clerk for Defendant Tranquil Inn, a hotel, in Kalamazoo for over two years before she was fired on October 14, 2022. Kramer Dep. 1:18-23. Kramer's duties included taking reservations, processing payments, and taking room service orders. Id. at 2:1-5. Additionally, Kramer participated as a desk clerk representative on the Tranquility Committee, a committee made for promoting safety and comfort of guests and employees. Id. at 2:16-18; Kalwani Dep. 2:17-19. Kramer was proud of her work on the committee. Kramer Dep. 2:23-25. Due to Kramer's contribution to the committee, Kramer's supervisor, Mona Kalwani, recommended Kramer for an award to

be presented at an annual dinner for Tranquil Inn employees, clients, and guests.

Kalwani Dep. 2:13-27.

The same day Kramer was told she was recommended to receive the award, Flanders, regional manager and superior to Kalwani, visited the Kalamazoo Tranquil Inn for the final Tranquility Committee meeting on September 14, 2022. Kramer Dep. 2:16-26. Kramer was at this meeting. Id. at 2:16-23. Flanders drank alcohol during the meeting. Id. at 3:11-14. Kramer did not drink alcohol during the meeting. Id. at 3:15-16. After the meeting, Kramer returned files from the meeting to a file room. Id. at 2:30-31. She was about to place files into cabinets when she was grabbed by the waist and kissed on the neck. Id. at 2:31-33. She was shocked and did not know who grabbed her. Id. at 2:33-34. She freed herself, turned, and discovered it was Flanders. Id. at 2:33-34. Flanders then grabbed Kramer's arm and asked her to meet him in the executive suite. Id. at 2:34-36. Kramer refused his offer and left. Id. at 2:36-37. Kramer told no one because she was shocked. Id. at 3:2-6. Kramer did not see Flanders again until the annual dinner. Id. at 3:9-10.

Three days later, at the annual dinner with over 400 attendees, Kramer was awarded for her work on the Tranquility Committee. Id. at 3:33-38, 4:1-3; Compl. ¶ 15. Kramer was asked to speak about the committee's work during her acceptance. Kalwani Dep. 2:27-28. Kalwani presented the award to Kramer and, when accepting her award, Kramer spoke about the importance of safety and comfort in hotels. Kramer

Dep. 3:36-38, 4:1-3, 4:8-12. Kramer pointed out Tranquil Inn's efforts to increase safety, like 24-hour security, chain locks in guest rooms, and more. Id. at 4:14-18. Kramer then spoke about the importance of a safe work environment, free from regional managers grabbing and kissing employees, mentioning Flanders' name. Id. at 4:19-23. Kramer voiced her goals to make Tranquil Inn safe for everyone, including employees, and to protect everyone's right to provide for their families. Id. at 4:19-25. Kramer invited the attendees to join her in her goals. Id. at 4:24-25.

After the dinner, though Kramer did not speak to Kalwani directly about the incident, Kramer continued to speak about Flanders' behavior and the employees' rights to a harassment-free workplace in weekly staff meetings. Id. at 3:4-8, 5:13-14. Kramer raised her voice once, frustrated at the injustice of subjecting someone to harassment. Id. at 5:17-19. When Kramer made these comments during staff meetings, it was for a couple minutes, and she did so hoping that what happened to her would happen to no one else. Kalwani Dep. 3:8-11; Kramer Dep. 5:1-3. Other employees speak about non-work matters, like family matters, during these meetings, which has never been an issue. Kalwani Dep. 3:12-16. Once Kramer started making these comments, an uncomfortable atmosphere resulted and other employees interacted with Kramer less. Kramer Dep. 5:4-8. Kramer's coworkers did not believe that Flanders grabbed and kissed Kramer "because he has a family." Id. at 4:38-5:1. Kramer's coworkers stopped

having lunch with her but continued to speak with her as much as needed to complete their work. Id. at 5:5-8.

Kramer, a single mother to a three-year old daughter, was fired less than a month after the annual dinner. Compl. ¶¶ 16, 19; Kramer Dep. 1:14-15. Before being fired, Kramer did not neglect any of her professional duties nor received complaints from guests. Kalwani Dep. 3:17-21. Kramer is still unemployed. Kramer Dep. 1:16-17.

ARGUMENT

This court should deny Defendants' Motion for Summary Judgment because Kramer, in voicing her concerns about a manager sexually harassing her, acted not only reasonably, but dutifully. Under Title VII, it is illegal "for an employer to discriminate against any of [its] employees . . . because [she] has opposed any practice made an unlawful employment practice by" Title VII. 42 U.S.C. § 2000e-3(a). To establish a prima facie case for retaliation, Kramer must show four elements: (1) "she engaged in protected activity," (2) Tranquil Inn "knew of the exercise of the protected right," (3) "an adverse employment action was subsequently taken against" Kramer, and (4) "there was a causal connection between the protected activity and the adverse employment action." Niswander v. Cincinnati Ins. Co., 529 F.3d 714, 720 (6th Cir. 2008). "[T]he only qualification that is placed upon an employee's invocation of protection from retaliation under Title VII's opposition clause is that the manner of [her]

opposition must be reasonable.” Johnson v. Univ. Cincinnati, 215 F.3d 561, 580 (6th Cir. 2000).

The issue here is whether Kramer engaged in protected activity under Title VII, namely, whether Kramer’s opposition was reasonable. 42 U.S.C. § 2000e-3(a). Determining whether “conduct was protected under Title VII’s opposition clause” requires “the careful balancing of competing interests” between employer and employee. Niswander, 529 F.3d at 722. Legitimate employer interests include the “need to maintain an orderly workplace and to protect confidential business and client information.” Id. “[E]qually compelling” are the employees’ interests, like the “need of employees to be properly safeguarded against retaliatory actions.” Id.

Summary judgment is appropriate only if Tranquil Inn “shows that there is no genuine dispute as to any material fact and [it] is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). There is a dispute of material fact if “a reasonable jury could return a verdict for” Kramer; all the evidence is viewed “in the light most favorable to” Kramer. Strickland v. City of Detroit, 995 F.3d 495, 502-03 (6th Cir. 2021). For the reasons below, Kramer engaged in reasonable opposition when speaking out against Flanders sexually harassing her. First, Kramer advocating at the annual dinner constituted appropriate informal opposition and furthered Tranquil Inn’s interests. Kramer Dep. 4:1-3, 4:19-25. Next, Kramer advocating during weekly staff meetings did not interfere with her duties and was not disruptive. Id. at 5:13-16; Kalwani Dep. 3:17-

21. Therefore, Kramer's opposition was reasonable and this Court should deny Tranquil Inn's Motion for Summary Judgment.

I. Kramer engaged in reasonable opposition under Title VII when she advocated for a harassment-free workplace during her award acceptance speech at the annual dinner.

A. Kramer advocating during her award acceptance speech was appropriate informal opposition.

Kramer advocating during her award acceptance speech was appropriate informal opposition. The Sixth Circuit has recognized a protected complaint under Title VII need not be made to any particular party; "the complaint may be made . . . to a co-worker, newspaper reporter, or anyone else." Johnson, 215 F.3d at 580. "[I]nformal expressions of one's views," including "alternative forms of protest" other than filing formal complaints, may be protected under Title VII opposition. Dea v. Wash. Suburban Sanitary Comm'n, 11 F. App'x 352, 360-61, 363 (4th Cir. 2001) (finding an employee disregarding an internal policy was reasonable opposition even to the extent he was "disloyal" to his employer because opposition is necessarily disloyal to an extent).

Here, Kramer voiced her opposition to workplace harassment while accepting an award for her work on a committee dedicated to safety and comfort. Kramer Dep. 4:1-3, 4:19-23. That she did not complain formally to Kalwani is irrelevant. Id. at 3:4-8; Johnson, 215 F.3d at 580. Kramer's advocacy while giving a speech on safety and comfort was a proper "alternative form[] of protest:" Kramer voiced concern to her colleagues, supervisors, and other guests at the annual dinner about sexual harassment.

Compl. ¶ 15-16; Dea, 11 F. App'x at 361. Though Kramer expressed her concern with Tranquil Inn clients present, which could arguably harm Tranquil Inn, the Sixth Circuit has recognized a protected complaint may be made to "anyone." Kalwani Dep. 2:24-27; Johnson, 215 F.3d at 580. There is no indication complaints must be made only to entities that would not be perturbed by the complaints; any alleged disloyalty is a necessary consequence of opposition. Dea, 11 F. App'x at 363. Indeed, Tranquil Inn's clients would likely want to know of safety concerns given Tranquil Inn's commitment to safety, with which Kramer greatly contributed. Kalwani Dep. 2:17-21. Thus, Kramer advocating during her award acceptance speech was reasonable informal opposition.

B. Kramer advocating during her award acceptance speech furthered both her interests and Tranquil Inn's interests.

Kramer advocating during her award acceptance speech furthered both her interests and Tranquil Inn's interests. Employee and employer interests are balanced when determining reasonable opposition under Title VII. Niswander, 529 F.3d at 722. An employee's advocacy for improved work-related practices may not harm the employer's interests. Wrighten v. Metro. Hosps., Inc., 726 F.2d 1346, 1350, 1356 (9th Cir. 1984) (holding the plaintiff, a nurse who "made dramatic and specific charges" at meetings with superiors and "called a press conference off hospital grounds to protest" allegedly discriminatory practices, was not unreasonable in her opposition because her employer's interests were not harmed when she "advocat[ed] good patient care" and "did not abuse her duty as a nurse by advocating the needs of her patients").

Here, Kramer's interests are rectifying the sexual harassment forced upon her and making Tranquil Inn a safe place to work. Kramer Dep. 4:23, 5:1-3. Tranquil Inn's interests are, arguably, maintaining its reputation in front its clients. Kalwani Dep. 2:24-27. Importantly, given Tranquil Inn's commitment to safety for both its guests and employees, its interests align with Kramer's: Tranquil Inn should be even more committed to creating a safe workplace than Kramer, given its value of safety. *Id.* at 2:17-21. Kramer "did not abuse her duty" as a member of the safety and comfort committee by advocating for a safe work environment at an annual dinner, like how a nurse "did not abuse her duty as a nurse by advocating the needs of her patients" at a press conference. *Wrighten*, 726 F.2d at 1350, 1356; Kramer Dep. 2:16-18, 4:21-25. Though Kramer advocated against sexual harassment in front Tranquil Inn's clients which arguably harms its reputation, Tranquil Inn's interests, or lack thereof, in eradicating sexual harassment is a critical component of its "safe" reputation. Kalwani Dep. 2:24-27. Brushing safety concerns under the rug would likely harm Tranquil Inn's "safe" reputation more than help it. Thus, Kramer advocating during her award acceptance speech furthered both her interests and Tranquil Inn's interests.

II. Kramer engaged in reasonable opposition under Title VII when she advocated to colleagues about their rights to a harassment-free workplace.

A. Kramer advocating in meetings did not interfere with her duties.

Kramer advocating in meetings for harassment-free workplaces did not interfere with her duties. The Sixth Circuit has recognized opposition that interferes with an

employee's duties is unreasonable. Holden v. Owens-Ill., Inc., 793 F.2d 745, 751 (6th Cir. 1986) (quoting the Fifth Circuit, which recognized unprotected opposition when actions "interfere[d] with the performance of [an employee's] job so that it renders [her] ineffective in the position for which [she] was employed"). Opposition is unreasonable when it directly conflicts with the employee's duties. Gogel v. Kia Motors Mfg. Co., 967 F.3d 1121, 1145 (11th Cir. 2020). In Gogel, the plaintiff sued her employer under Title VII after she was fired. Id. at 1126. The court found the plaintiff acted in "direct conflict with her job responsibilities" when she, a Team Relations manager, encouraged other employees to sue their employer. Id. at 1144-45. The court reasoned that the plaintiff was "rendered ineffective" because she acted directly contrary to her responsibilities and what she was hired for; thus, the conduct was unreasonable. Id. at 1145, 1150. On the other hand, the court found the plaintiff's "internal advocacy before [her employer's] management . . . was clearly protected conduct." Id. at 1144.

Here, Kramer's opposition did not interfere or conflict with her duties, and was thus reasonable. Kalwani Dep. 3:17-21. After she was sexually harassed by her superior, Kramer performed all her regular duties and received zero complaints from guests. Id. Kramer's supervisor explicitly admits this. Id. Kramer's "internal advocacy" of informing her colleagues of their rights to a harassment-free workplace is "clearly protected conduct" and in no way acts "in direct conflict with her job responsibilities." Gogel, F.3d at 1145-45; Kramer Dep. 5:13-14. This is unlike Gogel, where the plaintiff

acted in “direct conflict with her job responsibilities” for which she was hired; in fact, given Kramer’s role in the Tranquility Committee to promote safety and comfort, her advocacy for safe workplaces is harmonious with her duties. Gogel, F.3d at 1145-45; Kramer Dep. 2:5-6. Thus, Kramer advocating in meetings for harassment-free workplaces did not interfere with her duties.

B. Kramer advocating in meetings was not disruptive.

Kramer advocating in meetings for harassment-free workplaces was not disruptive. Opposition that results in “damaged relationships” and work interference may not be reasonable. Hochstadt v. Worcester Found. for Experimental Biology, 545 F.2d 222, 233 (1st Cir. 1976). In Hochstadt, the plaintiff, a microbiologist, sued her employer under Title VII after she was fired, alleging retaliation for her opposition. Id. at 225–27. The plaintiff was fired after she, among other things, made “personal grievances” and criticized her employer’s directors at meetings, causing disruptions and “discontinuation of the meetings.” Id. at 227. The court held the district court did not err in concluding this was not protected opposition: “it went beyond the pale of reasonable opposition activity.” Id. at 229, 233. The court reasoned the plaintiff’s “constant complaints to colleagues damaged relationships among members . . . and sometimes even interfered with laboratory research,” leading to unreasonable opposition. Id. at 233.

Though Kramer did take some time during weekly meetings to discuss the employees' rights to a harassment-free workplace, this advocacy was not disruptive or damaging, unlike the opposition in Hochstadt. Kramer Dep. 5:13-16; Hochstadt, 545 F.2d at 233. Other employees frequently take similar amounts of time during meetings to discuss personal matters, such as their families. Kramer Dep. 5:14-16. Such personal discussions during meetings had not been questioned before. Kalwani Dep. 3:12-15. Though some employees stopped speaking with Kramer outside of work-related tasks, Kramer's advocacy did not result in "damaged relationships" leading to meeting termination, unlike in Hochstadt. Kramer Dep. 5:5-8; Hochstadt, F.2d at 233. There is no indication that Kramer's statements interfered with the other employees' duties, unlike the plaintiff's efforts in Hochstadt, where "constant complaints . . . interfered with" work. Hochstadt, F.2d at 233. Indeed, employees continued to work with Kramer to complete their work. Kalwani Dep. 3:4-7. Kramer engaged in "internal advocacy" that courts have found "clearly protected." Gogel, 967 F.3d at 1144. Kramer advocating in meetings for harassment-free workplaces was not disruptive.

For at least these reasons, Kramer's opposition was reasonable.

CONCLUSION

For these reasons, this Court should deny Defendant's Motion for Summary Judgment.

Dated: May 1, 2023

Respectfully submitted,

KARA KRAMER

By: Diana Sweeney
Attorney for Plaintiff

Diana Sweeney
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BA/BS From **University of Chicago**
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http://www.nalplawsonline.org/ndlsdir_search_results.asp?lscd=12205&yr=2013
 Date of JD/LLB **May 17, 2024**
 Class Rank **School does not rank**
 Does the law school have a Law Review/Journal? **Yes**
 Law Review/Journal? **No**
 Moot Court Experience **No**

Bar Admission

Prior Judicial Experience

Judicial
Internships/ **Yes**
Externships
Post-graduate
Judicial Law **No**
Clerk

Specialized Work Experience

Professional Organization

Organizations **Just the Beginning Organization**

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**This applicant has certified that all data entered in this profile and
any application documents are true and correct.**

Ingrid Vianna Sydenstricker
590 Centre St. Apt 7
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June 12, 2023

The Honorable Juan R. Sánchez
14613 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106

Dear Judge Sánchez:

It is with great enthusiasm that I apply for a clerkship in your chambers for the 2024-2025 term. As a rising 3L at Northeastern University School of Law with a public interest background and litigation experience—including an internship with the Hon. Leo T. Sorokin at the District of Massachusetts—I believe I can make a meaningful contribution to your chambers and would greatly appreciate the opportunity to work with your team.

As a full-time judicial intern to Judge Sorokin last fall, I conducted legal research and wrote memoranda and opinions on a variety of legal issues ranging from a Social Security disability appeal to a motion for sanctions in an admiralty case. Following my internship, Judge Sorokin invited me to stay on for another semester both to help resolve complex motions involving rent control policies at a manufactured housing development and to serve as the teaching assistant for his course, Restorative Justice in Federal Court, at Boston College Law School. My time at the District of Massachusetts provided an unparalleled opportunity to hone my legal reasoning and writing skills, thus motivating me to pursue a year-long clerkship upon graduation where I can continue to do such engaging work.

Following my judicial internship, I have continued to work in litigation—supporting challenges involving Title VI, the Eighth Amendment, and various environmental statutes—through my work at Alternatives for Community & Environment and 80 Acres Law Center, two community-centered organizations tackling environmental injustice. In law school, I have built on these professional experiences by pursuing research opportunities such as work on the forthcoming book, *Legal Design: Dignifying People in Legal Systems* (Cambridge University Press), and my own independent research on the use of sanctuary jurisdictions to advance reproductive autonomy (manuscript in progress). Such experiences are a continuation of the work I did before law school, when I was an impact litigation paralegal at the ACLU responsible for managing dozens of cases including multiple class actions.

Beyond my professional experience, I believe that my background as a queer, first-generation Brazilian-American allows me to bring a unique and valuable perspective to the critical work of the judiciary. It would be an honor to join your chambers. Attached please find my resume, law school transcript and evaluations, writing sample, and letters of recommendation from Judge Sorokin, Professor Libby Adler, and Professor Carol Mallory.

Thank you for your time and consideration. Please do not hesitate to contact me at 607-227-7838 or sydenstricker.i@northeastern.edu for any further information. I look forward to hearing from you.

Respectfully,

Ingrid Vianna Sydenstricker

Ingrid Vianna Sydenstricker

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EDUCATION

NORTHEASTERN UNIVERSITY SCHOOL OF LAW Juris Doctor, Expected May 2024

Honors: Public Interest Law Scholar (full-tuition merit scholarship)

Activities: Latinx Law Student Association, Committee Against Institutional Racism, Student Conduct/Title IX Board

Research Assistant: NuLawLab (conducted research for a book on dignity in legal design)

Teaching Assistant: Hon. Leo T. Sorokin (Boston College Law), Legal Research & Writing (Fall 2023)

THE UNIVERSITY OF CHICAGO B.A. in Political Science with honors, June 2016

Honors: Humanitarian Award, University Scholar, Pozen Human Rights Summer Fellowship

LEGAL & POLICY EXPERIENCE

Alternatives for Community & Environment (full-time) Boston, MA

May 2023 – Present

Legal Intern

Support litigation including a Title VI action to remediate landfill contamination in an environmental justice community (research the Resource Conservation and Recovery Act, conduct a fact-finding inquiry) and a land court zoning appeal challenging construction on a polluted site. Draft comments on regulations to reduce building greenhouse gas emissions.

80 Acres Law Center (part-time)

Jan. – April 2023

Legal Intern

Supported environmental justice litigation and policy efforts by researching associational standing, protections against lead exposure, and the use of the Eighth Amendment to challenge the impact of climate change on incarcerated individuals.

U.S. District Court, District of Massachusetts (full-time) Boston, MA

Sept. 2022 – Jan. 2023

Judicial Intern to Hon. Leo T. Sorokin

Conducted legal research, drafted memoranda, and wrote two full judicial opinions on issues such as: a Social Security disability appeal, a motion for sanctions in an admiralty case, a motion for judgment on the pleadings in a housing case, judicial recusal, executive removal powers, and implicit bias in juries. Supported court restorative justice programs.

Water Resources Institute, Cornell University Ithaca, NY

Jan. 2020 – July 2021

Policy & Environmental Justice Analyst

Advised the NYS Department of Environmental Conservation on environmental justice issues and regulations, including how to make climate adaptation more equitable. Lobbied representatives for increased research funding and policies that advance water justice such as lead and PFAS protections. Supervised interns and ran programming on environmental justice.

New York Civil Liberties Union (ACLU of New York) New York, NY

Mar. 2018 – Jan. 2020

Paralegal

Helped prepare filings for 30+ impact litigation cases in state and federal court. Managed client communication, organized case documents, and coordinated litigation with co-counsel, experts, and court clerks. Supported fact gathering, deposition preparation, and settlement negotiations. Answered daily immigration intakes. Conducted KYR and civic education trainings at schools and local jails. Developed language access protocols to ensure effective communication with all clients. Provided translation and interpretation. Served on the ACLU Latinx Employee Resource Group, NYCLU DEI Committee.

ACTIVITIES

Suicide Prevention & Crisis Services (Suicide Hotline)

Jan. 2021 – Present

Provide crisis counseling to individuals experiencing mental health and other life crises as a counselor on the suicide hotline.

LANGUAGES Brazilian Portuguese (heritage speaker) • French (fluent) • Spanish (advanced) • Arabic (elementary)

INTERESTS Salsa dancing, community gardening, digital illustration, contemporary fiction

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Primary Program
Juris Doctor

College : School of Law
Major : Law

SUBJ NO.	COURSE TITLE	CRED GRD	PTS R
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INSTITUTION CREDIT:

Fall 2021 Law Semester (08/30/2021 - 12/22/2021)

LAW 6100	Civil Procedure	5.00 HH	0.000
LAW 6105	Property	4.00 H	0.000

LAW 6106	Torts	4.00 H	0.000
LAW 6160	Legal Skills in Social Context	2.00 HH	0.000
LAW 6165	LSSC: Research & Writing	2.00 HH	0.000
Ehrs:17.000 GPA-Hrs: 0.000 QPts: 0.000 GPA: 0.000			

Spring 2022 Law Semester (01/10/2022 - 05/06/2022)

LAW 6101	Constitutional Law	4.00 H	0.000
LAW 6102	Contracts	5.00 P	0.000
LAW 6103	Criminal Justice	4.00 H	0.000
LAW 6160	Legal Skills in Social Context	2.00 HH	0.000
LAW 6165	LSSC: Research & Writing	2.00 HH	0.000
Ehrs:17.000 GPA-Hrs: 0.000 QPts: 0.000 GPA: 0.000			

Summer 2022 Law Semester (05/09/2022 - 08/23/2022)

LAW 7300	Administrative Law	3.00 HH	0.000
LAW 7329	Environmental Law	3.00 H	0.000
LAW 7443	Professional Responsibility	3.00 HH	0.000
LAW 7488	Sexuality, Gender & the Law	3.00 HH	0.000
LAW 7690	Intro Writing for Litigation	1.00 HH	0.000

LAW 7978	Independent Study	3.00 HH	0.000
Ehrs:16.000 GPA-Hrs: 0.000 QPts: 0.000 GPA: 0.000			

Fall 2022 Law Semester (08/29/2022 - 12/23/2022)

COOP: U.S. Dist. Court, Dist. of Mass.,
Judge Sorokin
Boston, MA

***** CONTINUED ON NEXT COLUMN *****

SUBJ NO.	COURSE TITLE	CRED GRD	PTS R
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Institution Information continued:

LAW 7940	Reflections on Lawyering	1.00 HH	0.000
LAW 7941	Pub Int Pub Serv Field Placemt	7.00 CR	0.000
LAW 7964	Co-op Work Experience	0.00 CR	0.000
LAW 7983	Human Rights, Earth Justice	2.00 HH	0.000
Ehrs:10.000 GPA-Hrs: 0.000 QPts: 0.000 GPA: 0.000			

Spring 2023 Law Semester (01/09/2023 - 04/29/2023)

LAW 7394	Land Use	3.00 HH	0.000
LAW 7932	Public Service Externship Sem	1.00 HH	0.000
Ehrs: 4.000 GPA-Hrs: 0.000 QPts: 0.000 GPA: 0.000			

IN PROGRESS WORK

LAW 7332	Evidence	4.00	IN PROGRESS
LAW 7939	Public Service Externship	3.00	IN PROGRESS
LAW 7978	Independent Study	2.00	IN PROGRESS
In Progress Credits		9.00	

Summer 2023 Law Semester (05/08/2023 - 08/26/2023)

COOP: Alternatives for Community and Environment,
Inc.

Roxbury, MA

IN PROGRESS WORK

LAW 7634	Energy Law and Policy	3.00	IN PROGRESS
LAW 7966	Public Interest Co-op Work Exp	0.00	IN PROGRESS
In Progress Credits		3.00	

***** TRANSCRIPT TOTALS *****

	Earned Hrs	GPA Hrs	Points	GPA
TOTAL INSTITUTION	64.000	0.000	0.000	0.000

TOTAL TRANSFER	0.000	0.000	0.000	0.000
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OVERALL	64.000	0.000	0.000	0.000
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***** END OF TRANSCRIPT *****

Page: 1

Rebecca Hunter Assoc VP & University Registrar

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SUBJ NO.	COURSE TITLE	CRED GRD	PTS R
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INSTITUTION CREDIT:

Spring 2023 Semester

IN PROGRESS WORK

AFAM 5001 Special Topics Race & Law 4.00 IN PROGRESS

In Progress Credits 4.00

***** TRANSCRIPT TOTALS *****

	Earned Hrs	GPA Hrs	Points	GPA
TOTAL INSTITUTION	0.000	0.000	0.000	0.000

TOTAL TRANSFER	0.000	0.000	0.000	0.000
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OVERALL	0.000	0.000	0.000	0.000
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***** END OF TRANSCRIPT *****

Page: 1

Rebecca Hunter Assoc VP & University Registrar

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Boston, MA 02115

SCALE OF GRADES AND COMMENTS TO ACCOMPANY TRANSCRIPTS

Effective Fall 2016: College of Professional Studies undergraduate programs converted from a quarter system to a semester system. For student records including hours earned prior to fall 2016, the credit hour conversion rate is as follows: QH x .75. For example a 4-credit quarter course is now equivalent to a 3-credit semester course.

Effective Fall 2009: Northeastern University converted its Student Information System. All courses and Programs were converted.

Northeastern University Course Numbering

UNDERGRADUATE

Orientation and Basic 0001-0999
No degree credit

Introductory Level (First year) 1000-1999

Survey, Foundation and Introductory courses normally with no prerequisites and designed primarily for students with no prior background

Intermediate Level 2000-2999

(Sophomore/Junior year)

Normally designed for sophomores and above, but in some cases open to freshman majors in the department.

Upper Intermediate Level (Junior year) 3000-3999

Designed primarily as courses for juniors. Pre-requisites are normally required and these courses are pre-requisites for advanced courses.

Advanced Level (Senior year) 4000-4999

Designed primarily for juniors and seniors, or specialized courses. Includes research, capstone and thesis.

GRADUATE

Orientation and Basic 0001-0999
No degree credit

1st level graduate 5000-5999

Courses primarily for graduate students and qualified undergraduate students with permission

2nd level graduate 6000-6999

Generally for Master's only and Clinical Doctorate

3rd level graduate 7000-7999

Master's and Doctoral level classes. Includes Master's Thesis

Clinical/Research/Readings 8000-8999

Includes Comprehensive Exam Preparation

Doctoral Research and Dissertation 9000-9999

Northeastern University Grade Scale

Letter Grade	Numerical Equivalent	Explanation
A	4.0	Outstanding Achievement
A-	3.667	
B+	3.333	
B	3.0	Good Achievement
B-	2.667	
C+	2.333	
C	2.0	Satisfactory Achievement
C-	1.667	
D+	1.333	
D	1.0	Poor Achievement
D-	0.667	
F	0.0	Failure
I		Incomplete
IP		In Progress
NE		Not Enrolled
NG		Grade not reported by Faculty
S		Satisfactory (Pass/Fail basis; counts toward total degree requirements)
U		Unsatisfactory (Pass/Fail basis)
X		Incomplete (Pass/Fail basis)
L		Audit (no credit given)
T		Transfer
W		Course Withdrawal

Course Comments

E	Course excluded from GPA
HON	Honors level course
I	Course included in GPA

LAW SCHOOL

CR	Credit
F	Fail
H	Honors
HH	High Honors
I	Incomplete
MP	Marginal Pass
P	Pass

Earned Hours

Northeastern University offers both quarter hour and semester hour programs.

Quarter Hours to Semester Hours Conversion Rate: For student records including quarter hours, the approved semester hour conversion rate is as follows: QH x .75. For example a 4-credit quarter course is equivalent to 3 credit semester courses.



Northeastern University School of Law Grading and Evaluation System

A global leader in experiential learning for over 50 years, Northeastern University School of Law (“NUSL”) integrates academics with practical skills as its core educational philosophy. To fulfill NUSL graduation requirements, law students must earn at least 83 academic credits and complete at least three terms of full-time, law-related work through “co-op,” our unique Cooperative Legal Education Program.

Consonant with the word “cooperative,” NUSL cultivates an atmosphere of cooperation and mutual respect, exemplified in our course evaluation system. NUSL faculty provide detailed feedback to students through narrative evaluations, designed to prepare law students for the practice of law. The narrative evaluations examine law student written work product, contributions to class discussions, results of examinations, specific strengths and weaknesses, and overall engagement in the course. Faculty also award the student a grade in each course, using the following categories:

- **High Honors**
- **Honors**
- **Pass**
- **Marginal Pass**
- **Fail**

A small number of courses are evaluated using a Credit/No Credit evaluation system, instead of a grade. NUSL does not provide GPAs or class ranks.

NUSL transcripts include the following information:

- The course name, grade received, and number credits earned;
- The faculty’s narrative evaluation for the course; and
- All co-ops completed, and the evaluations provided by the co-op employer.

“In progress” notations on a transcript indicate that a student has not yet received an evaluation from faculty for a particular course.

Co-op Evaluation

Ingrid Vianna Sydenstricker

Fall 2022 : Ingrid E Sydenstricker - Fall 2022 Early (94720) (U.S. Dist. Court, Dist. of Mass., Judge Sorokin (Boston, MA))

EMPLOYER FINAL EVALUATION

Approve Yes

Requested On Dec 19, 2022 9:43 am

Student Ingrid E Sydenstricker

Date Employed From: September 6, 2022

Date Employed To: December 16, 2022

Address 1 Courthouse Way, Suite 6-130, Boston, MA 02210

Employer Name U.S. Dist. Court, Dist. of Mass., Judge Sorokin (Boston, MA)

1) Areas of law engaged in, and level of proficiency Ingrid worked on legal issues spanning a broad range of subjects: a Social Security disability appeal; a motion for sanctions in an admiralty case; a motion for judgment on the pleadings in a civil case involving a manufactured housing development; implicit bias in jury selection; disclosures of funding for amicus briefs; judicial recusal based on a spouse's stock ownership; and restorative justice. In every instance, Ingrid efficiently produced thoughtful, helpful work product showing her understanding of the relevant facts and legal principles. She was one of the most prolific interns we have ever had in our chambers.

2) Skills demonstrated during the co-op Ingrid's writing is clear and organized, whether conveyed via email summarizing research on a discrete question or in a more formal memo/draft opinion. She effectively conveys pertinent facts from the record, and her legal analysis is very strong. Unlike most interns of her experience level, she understands that it is not enough to cite a legal rule and then identify which party's position should prevail - she explains why that conclusion follows from the rule by persuasively applying the law she has researched to the facts confronting the court. Most interns, and many term law clerks, give short shrift to that step in their written analysis. The strength of Ingrid's research and writing was apparent early in her co-op, and it quickly led the judge to rely more and more on her to work on discrete legal questions that arose often in time-sensitive contexts.

3) Professionalism, work ethic, and Ingrid settled into our chambers team quickly and comfortably. She contributed to the work of chambers both in her written assignments in by participating in group

responsiveness to feedback

discussions of proceedings or issues. She welcomed assignments regardless of the topic, worked efficiently and independently, asked good questions, and was proactive about keeping all of us apprised of the status of her work. Ingrid welcomed feedback and successfully incorporated it not only when it was given but also in her writing moving forward. She is curious and thoughtful and sincerely interested in improving her writing and analysis to grow into a more effective soon-to-be lawyer.

4) Ability to work with colleagues and clients; ability to integrate knowledge from other disciplines

Ingrid was a delight to have in chambers. She engaged with the judge, me, the term law clerks, and other interns with respect and kindness, both professionally and personally. And she often contributed to conversations with her own life experience or knowledge from work and activities outside of chambers.

5) Further details about the student's performance

Ingrid is a star who ultimately performed more like an extra term law clerk than a student intern. She's one of the top 3 interns I have supervised in my ten years working for Judge Sorokin (plus 3 years working for other federal judges earlier in my career). The judge also places her among the top 3 interns he has encountered during his 17+ years on the bench. She so impressed him that he asked her to continue on a part-time basis to assist him with a restorative justice class he teaches in the spring at Boston College. Any employer, including any judge receiving an application from her for a post-graduate term clerkship, would be lucky to hire her.

Submitted by:

Amy Robinson

Date submitted:

December 19, 2022

Help Desk: 703-373-7040 (Hours: Mon-Fri, 9am-8pm EST)
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Course Evaluations

Ingrid Vianna Sydenstricker

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Ingrid Sydenstricker
Exam #: 25239
Course Title: Land Use
Course ID: LAW 7394
Credits: 3
Term: Spring 2023 Law Semester
Instructor : Foster, Robert B.
Grade: High Honors

Course Description:

A survey of legal doctrines, techniques and institutions relating to regulation of the use of real property. Topics covered include constitutional questions of takings by public agencies, the scope of the police power as it affects land use and the basic techniques of zoning and subdivision control. Students study, among other issues, recent cases on exclusion of low income housing, current techniques to encourage housing development (inclusionary or "linkage" regulations) and First Amendment questions arising from land use controls.

Performance Highlights:

You acquired a solid grounding in American land use law, including traditional Euclidean zoning and current trends in land use.

You made many valuable contributions in class discussions.

You demonstrated a strong and nuanced understanding of zoning law, and an astute analysis of the application of zoning law to emerging issues.

You prepared an excellent paper on the application of the public trust doctrine to protect biodiversity.

Date: 5.29.2023 3:43PM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Ingrid Sydenstricker
Exam #: 25239
Course Title: Evidence
Course ID: LAW 7332
Credits: 4
Term: Spring 2023 Law Semester
Instructor : Tumposky, Michael L.
Grade: High Honors

Course Description:

This course examines how courtroom lawyers use the evidence rules to present their cases—notably, rules regarding relevance, hearsay, impeachment, character, and experts. The approach to the study of evidence will be primarily through the “problem” method—that is, applying the provisions of the Federal Rules of Evidence to concrete courtroom situations. Theoretical issues will be explored as a way to deepen the student’s appreciation of how the evidence rules can and ought to be used in litigation.

Performance Highlights:

Your performance in the class was excellent. You have nearly mastered the Rules of Evidence. Great job!

Date: 6.2.2023 1:54PM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Ingrid Sydenstricker
Exam #: 24833
Course Title: Human Rights, Earth Justice
Course ID: LAW 7983
Credits: 2
Term: Fall 2022 Law Semester
Instructor : Segovia, Natali
Grade: High Honors

Course Description:

In Defense of the Sacred: Human Rights, Earth Justice, and the Law Around the world, human rights defenders face great risks to protect sacred sites, ancestral lands, the Water, and the Earth from desecration by corporations and extractive industry. This course explores the role of law in the defense of defenders, fundamental human rights, and the Earth. We will review normative foundations including the role of treaties within the U.S. legal framework, and the complex tapestry of federal and international norms intended to protect Indigenous Peoples, Original Nations, and the Earth. Our case studies will highlight challenges and limitations of those protections. Ultimately, the course is an invitation to re-imagine the law as a vehicle for social change and lawyering as “relational” in tandem with communities working to protect the Sacred against environmental destruction.

Performance Highlights:

Highlights:

- Your reflections were analytically strong and beautifully written.
 - Your insight added much to class participation.
-

Date: 5.8.2023 1:06PM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Sydenstricker, Ingrid
Exam #: 14044
Course Title: Administrative Law
Course ID: LAW 7300
Credits: 3
Term: Summer 2022 Law Semester
Instructor : Rosenbloom, Rachel
Grade: High Honors

Course Description:

This course provides an introduction to the legal doctrines designed to empower and constrain government agencies and officials in their daily practice of governance. Topics include the constitutional status of administrative agencies, due process, the Administrative Procedure Act and the availability and standards of judicial review of agency actions. The course emphasizes the historical evolution of the modern administrative state and the regulatory agency's peculiar role in our system of governance.

Performance Highlights:

- Demonstrated a strong grasp of the Administrative Procedure Act and relevant Supreme Court jurisprudence
 - Drafted an outstanding research memorandum analyzing the relationship between a regulation and its authorizing statute
 - Demonstrated excellent research and writing skills
 - Made frequent contributions to class discussions
-

Date: 10.6.2022 3:58PM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Sydenstricker, Ingrid
Exam #: 14044
Course Title: Intro Writing for Litigation
Course ID: LAW 7690
Credits: 1
Term: Summer 2022 Law Semester
Instructor : Leahy, Stefanie
Grade: High Honors

Course Description:

Introduces students to litigation documents, including engagement and demand letters; complaints; answers; discovery requests (such as interrogatories, requests for the production of documents, and requests for admission); and motions. Considers audience, purpose, and components in drafting a document, taking into account relevant strategic considerations and general principles that apply to all litigation documents. Examines the protections associated with attorney-client privilege and attorney work product. Offers students an opportunity to review and draft a variety of litigation documents, to find and modify sample documents, and to find and apply the rules of the relevant jurisdiction.

Performance Highlights:

Over the course of two weeks, students in Introduction to Writing for Lit had the opportunity to work collaboratively with other students as well as discuss and draft a variety of litigation documents.

Ingrid was a frequent and vocal participant in class discussions, sharing perspective and knowledge from prior work experiences. She has well developed research and writing skills. She works incredibly well either independently or in small groups and consistently produces high quality work. Ingrid successfully produced a case brief related to the operation of the work product doctrine in MA courts, edited a Complaint, submitted "research request" supervisor emails, analyzed documents for privilege, and produced a tightly written Motion in Limine.

Considering the amount of work required in such a short period of time, Ingrid displayed excellent time management skills. She also demonstrated understanding of intricacies of the attorney client privilege and work product doctrine within the litigation space, which was a theme discussed throughout the two-week course. In the final reflection, Ingrid highlighted the takeaways from the course, including the importance of pre-writing preparation and centering the client in strategy decisions. Ingrid also understands the importance of recognizing how the big picture litigation strategy plays out more concretely through numerous smaller (but no less important) everyday decisions like how much specificity to put into a complaint or what questions to include in interrogatories.

Ingrid is a highly competent student, and has every attribute to be an excellent litigator.

Date: 9.13.2022 7:04PM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Sydenstricker, Ingrid
Exam #: 14044
Course Title: Sexuality, Gender & the Law
Course ID: LAW 7488
Credits: 3
Term: Summer 2022 Law Semester
Instructor : Adler, Libby
Grade: High Honors

Course Description:

This course uses case law and theory to address doctrinal problems and justice concerns associated with gender and sexuality. The syllabus is organized around notions such as privacy, identity and consent, all of which are conceptual pillars upon which arguments in the domain of sexuality and gender typically rely. Doctrinal topics include same-sex marriage, sodomy, sexual harassment, discrimination, among others, but the course is not a doctrinal survey; it is a critical inquiry into key concepts that cut across doctrinal areas. Students should expect to write a paper and share some of what they have learned with the class.

Performance Highlights:

You wrote an outstanding paper about the use of sanctuary cities to protect access to abortion. Your analysis demonstrated not only an impressive understanding of a broad array of doctrinal issues that may affect the constitutionality of this practice, but also the deft use of sophisticated theoretical tools drawn from American Legal Realism. The paper was well-researched and fluidly written.

Date: 9.20.2022 10:46AM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Sydenstricker, Ingrid
Exam #: 14044
Course Title: Independent Study
Course ID: LAW 7978
Credits: 3
Term: Summer 2022 Law Semester
Instructor : Jackson, Daniel
Grade: High Honors

Course Description:

Any upper level student in good standing may engage in one or more independent study projects, totaling not more than three credits during an academic quarter and six credits during the two upper level years. A student wishing to conduct an independent study must secure the approval of a faculty member who agrees to supervise the project. Many students use independent studies to continue to examine a topic begun during co-op, or to extend the syllabus of a course. Students may also design projects which are not based in either course work or co-op, but in all cases a faculty sponsor must agree to the project. May be repeated for up to 6 total credits.

Performance Highlights:

This independent study saw Ingrid join a team of two other law students who were staffed as research/editorial/content assistants for the NuLawLab directors' book Legal Design: Dignifying People in Legal Systems, to be published by Cambridge University Press in Summer 2023. The edited volume rests on the premise that legal systems, as currently configured, often fail to enhance the dignity of people moving through them, despite the importance of dignity to achieving human wellbeing and systemic equity in today's societies. It proposes that the emerging and rapidly growing field of legal design, when applied to reimagining legal systems, can produce the opposite result—systems that enhance human dignity and therefore justice and fairness. Ingrid and her two colleagues worked in close collaboration with the book team of three co-editors (NuLawLab's executive, creative, and design directors) throughout the summer to support the development and drafting of a number of the book's chapters. Each week saw a one hour weekly team meeting for which Ingrid prepared a research progress report and participated in a lively discussion of the import of her research findings. New research assignments were distributed roughly every two weeks.

- Ingrid did an outstanding job on this work. She is an excellent, tenacious researcher with a particular talent for easily working across multiple disciplines and theoretical frameworks (sometimes in the same research question).
 - Her work focused on literature reviews regarding:
 - the impact of cultural organizing on housing justice;
 - how social justice advocates define and work with cultural organizing methods;
 - dignity jurisprudence (both contemporary and historical);
 - how law, design and legal design projects can center dignity; and
 - the intersection of dignity and inclusive design.
 - Ingrid was an outstanding team member, who approached her work with an equal combination of diligence and precision.
 - Ingrid's natural talents of precision and thoroughness will serve her well in her legal career.
-

Date: 9.28.2022 4:28PM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student:	Sydenstricker, Ingrid
Exam #:	14044
Course Title:	Professional Responsibility
Course ID:	LAW 7443
Credits:	3
Term:	Summer 2022 Law Semester
Instructor :	Long, Alex
Grade:	High Honors

Course Description:

This course focuses on the legal, ethical and professional dilemmas encountered by lawyers. Emphasis is on justice as a product of the quality of life that society provides to people rather than merely the process that the legal system provides once a crime or breach of duty has occurred. The course also provides students with a working knowledge of the American Bar Association's Model Rules of Professional Conduct and the Code of Professional Responsibility as well as an understanding of the underlying issues and a perspective within which to evaluate them. In addition, the course examines the distribution of legal services to poor and non-poor clients.

Performance Highlights:

- Acquired a thorough overview of the rules of professional conduct, common law principles, and constitutional rules that regulate the conduct of lawyers.
 - Made meaningful contributions to class discussions.
 - Wrote an excellent research paper on the subject of the appointment of a special prosecutor to prosecute a case following the refusal of the U.S. Attorney's Office to do so.
-

Date: 9.2.2022 10:23AM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Sydenstricker, Ingrid
Exam #: 14044
Course Title: Environmental Law
Course ID: LAW 7329
Credits: 3
Term: Summer 2022 Law Semester
Instructor : Meeks, Sarah
Grade: Honors

Course Description:

This course focuses on federal and state environmental laws. Topics include pollution control, waste management, and cleanup of contaminated land and water. The course explores legislative policy and regulatory decisions as well as enforcement issues. We will give attention to questions of environmental justice and to the strategic use of legal tools in working to ensure safe and healthy surroundings for diverse groups of people.

Performance Highlights:

- Gained a solid understanding of several federal environmental statutes, including the Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation, and Liability Act (Superfund), Resource Conservation and Recovery Act, Endangered Species Act, and the National Environmental Policy Act.
- Demonstrated strong writing skills and legal analysis.
- Made valuable contributions to class discussion.
- Completed an outstanding written assignment on a complex legal issue presented in a Clean Air Act case pending before the U.S. Supreme Court.

Date: 9.22.2022 10:58PM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student:	Sydenstricker, Ingrid
Exam #:	13429
Course Title:	LSSC: Research & Writing
Course ID:	LAW 6165
Credits:	2
Term:	Spring 2022 Law Semester
Instructor :	Mallory, Carol
Grade:	High Honors

Course Description:

Competent and effective legal research and writing skills are the foundation for students' success in law school and in their legal careers. In LSSC's Legal Analysis, Research and Writing component, students learn about the organization of the American legal system, the sources and construction of laws, and how the application of laws may vary with the specific factual situation. Students learn how to research the law to find applicable legal rules, how to analyze and apply those rules to a factual situation, and how to communicate their legal analysis clearly and concisely to different audiences.

Performance Highlights:

Ingrid's performance in this class was excellent. Ingrid has strong analytical skills; her analysis was always well-supported by the law and she possesses the ability to think creatively about the application of law to fact that will make her an effective advocate. Ingrid research skills are impressive as well. She approaches research thoughtfully and creatively; her research was always thorough, and she is able to clearly distill the relevant authority in furtherance of his analysis. Ingrid's writing skills are similarly strong; her written work is always clear, concise, and well-organized. Her final brief—a memorandum of law in opposition to a motion for summary judgment—was a compelling and well-crafted piece of advocacy that a practicing attorney would be proud of. Finally, Ingrid demonstrated the ability to become an effective oral advocate; in her final oral argument she delivered a persuasive argument on behalf of her client and did so with poise and confidence. In short, Ingrid possesses the intellect and skill to become an exceptional attorney.

Date: 5.31.2022 4:14PM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Sydenstricker, Ingrid
Exam #: 13429
Course Title: Criminal Justice
Course ID: LAW 6103
Credits: 4
Term: Spring 2022 Law Semester
Instructor : Ramirez, Deborah
Grade: Honors

Course Description:

In this course, students are introduced to the fundamental principles that guide the development, interpretation and analysis of the law of crimes. They are also exposed to the statutory texts—primarily the Model Penal Code, but also state statutes. In addition, students are introduced to the rules and principles used to apportion blame and responsibility in the criminal justice system. Finally, students examine the limits and potential of law as an instrument of social control.

Performance Highlights:

Overall, your performance in this class was excellent. On the exam, you did an excellent job of analyzing the Model Penal Code issues presented by the factual scenario in question one. On question two, you did an excellent job of analyzing the federal search and seizure issues that might be raised by the attorneys for Cougar and Samuel. In particular, you did an excellent job of analyzing Lucy's liability for murder

Date: 5.31.2022 2:32PM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Sydenstricker, Ingrid
Exam #: 13429
Course Title: Constitutional Law
Course ID: LAW 6101
Credits: 4
Term: Spring 2022 Law Semester
Instructor : Paul, Jeremy
Grade: Honors

Course Description:

Studies the techniques of constitutional interpretation and some of the principal themes of constitutional law: federalism, separation of powers, public vs. private spheres, equality theory and rights analysis. The first part of the course is about the powers of government. The second part is an in-depth analysis of the 14th Amendment.

Performance Highlights:

You demonstrated strong ability to identify key legal issues.

Your knowledge across all sections of the course was impressive.

Your essays are clearly written and well-organized.

Date: 6.13.2022 10:12AM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Sydenstricker, Ingrid
Exam #: 13429
Course Title: Contracts
Course ID: LAW 6102
Credits: 5
Term: Spring 2022 Law Semester
Instructor : Phillips, David
Grade: Pass

Course Description:

This course examines the legal concepts governing consensual and promissory relationships, with emphasis on the historical development and institutional implementation of contract theory, its relationship and continuing adaptation to the needs and practice of commerce, and its serviceability in a variety of non-commercial contexts. Topics covered include contract formation, the doctrine of consideration, remedies for breach of contracts, modification of contract rights resulting from such factors as fraud, mistake and unforeseen circumstances, and the modern adaptation of contract law to consumer problems. This course also introduces students to the analysis of a complex statute: the Uniform Commercial Code.

Performance Highlights:

You performed well on the challenging multiple-choice first part of the examination.

Your answers to the three essay problems evinced competent knowledge of the contract law studied in the course.

You also chose to write a short optional paper and selected as your topic feminist perspectives on premarital agreements.

Thank you for your active participation in class.

Date: 6.2.2022 3:43PM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Sydenstricker, Ingrid
Exam #: 13429
Course Title: Legal Skills in Social Context
Course ID: LAW 6160
Credits: 2
Term: Spring 2022 Law Semester
Instructor : Mallory, Carol
Grade: High Honors

Course Description:

The LSSC Social Justice component immediately applies students' legal research and writing skills in using law as a tool for social change. LSSC links students' pre-law school thinking with the new legal culture in which they find themselves. In the first semester, they begin by forging their own team lawyering dynamic in discussing assigned readings and in preparing, and presenting, several advocacy exercises and written assignments. In the second semester, students apply and consolidate their new legal research and writing skills in addressing an intensive real-life social justice project for a selected client organization. LSSC student teams develop their legal and cooperative problem-solving skills and knowledge while producing real client work of a quality that far exceeds the ordinary expectations of first-year law students. May be repeated once.

Performance Highlights:

As a part of the LSSC course, a group of law students, called a "Law Office" (LO), work together on a year-long social justice project on behalf of a community-based organization. Ingrid was a member of LO10, which worked on a project on behalf of a Chicago non-profit whose mission is to support grassroots organizations and movement building around the abolition of the prison-industrial complex (due to the nature of their work, the organization wishes to remain anonymous.) The focus of LO10's project was on the history of the Chicago Police Department (CPD), the historical efforts to reform it, and why those efforts have failed. The LO researched statutes, city ordinances, police oversight mechanisms, budgets, police unions, prominent political actors, and individual activists and movements for reform. The LO's project culminated in the creation of a website to catalogue their extensive research. The LO presented the results of their research to the community in a presentation entitled "The Past is The Present: The violent anti-Black legacy of policing in Chicago and why abolition is the only path forward."

As a whole, LO10 was the most collaborative, collegial, high functioning, and effective LO I have had the pleasure to work with in the seven years I've been teaching this course. As a group the law office held themselves to an extremely high standard; their performance—individually, in sub-groups, and as a group—was exceptional, and it was evident in their stellar final work product.

Ingrid's performance in this portion of the class was equally strong. Ingrid was an invaluable member of the LO, who made enormous contributions to the success of the project, as well as the class itself. Ingrid was deeply engaged with the social justice issues covered in the course; her reflective essays on these topics were insightful and her contributions to the class discussions pushed her classmates to think about the issues in important ways. Ingrid was similarly thoughtful and reflective in her work on the LO's project; her commitment to the successful completion of the project was evident from the beginning of the class and never wavered. Her ability to think critically and creatively helped to guide the direction of the project in important ways, and she often raised important considerations that her classmates might not have thought of, but which helped to frame the project and ensure its success. Ingrid also did excellent work with her subgroups researching relevant mayoral executive orders as well as examining the role the Chicago Police Department's use of resources has played in the development of Chicago. Where Ingrid most excelled was in her role as one of the presenters for the group's final presentation. With her co-presenters, Ingrid was able to synthesize the enormous amount of research the LO had

compiled, pull out the themes and takeaways from the research, and organize a presentation that was informative, dynamic, and engaging. Ingrid' did an exceptional job with her own portion of the presentation; she demonstrated a natural affinity for public speaking that will serve her well as an advocate.

Date: 5.31.2022 4:15PM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Sydenstricker, Ingrid
Exam #: 12912
Course Title: Civil Procedure
Course ID: LAW 6100
Credits: 5
Term: Fall 2021 Law Semester
Instructor : Williams, Lucy
Grade: High Honors

Course Description:

Introduces students to the procedural rules that courts in the United States use to handle noncriminal disputes. Designed to provide a working knowledge of the Federal Rules of Civil Procedure and typical state rules, along with an introduction to federalism, statutory analysis, advocacy, and methods of dispute resolution. Examines procedure within its historical context.

Performance Highlights:

- You identified virtually all of the issues.
 - Your analysis reflected a solid understanding of the complex materials covered in the course.
 - You regularly cited to relevant statutes, caselaw and rules.
 - Your discussions of personal jurisdiction, the Erie doctrine as it related to Rule 35, and summary judgment were particularly strong.
 - Your paper was very well written.
-

Date: 1.20.2022 6:33PM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Sydenstricker, Ingrid
Exam #: 12912
Course Title: Property
Course ID: LAW 6105
Credits: 4
Term: Fall 2021 Law Semester
Instructor : Kelley, Melvin
Grade: Honors

Course Description:

This course covers the major doctrines in American property law, including trespass, servitudes, estates in land and future interests, landlord-tenant relationships, nuisance, and takings. Students are introduced to rules, policies, and current controversies.

Performance Highlights:

Demonstrated knowledge of core U.S. Property Law doctrine and associated public policy considerations as well as a capacity to mobilize these insights to assess novel fact patterns.

Date: 2.24.2022 1:54PM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Sydenstricker, Ingrid
Exam #: 12912
Course Title: Torts
Course ID: LAW 6106
Credits: 4
Term: Fall 2021 Law Semester
Instructor : Kahn, Jonathan
Grade: Honors

Course Description:

This course introduces students to theories of liability and the primary doctrines limiting liability, which are studied both doctrinally and in historical and social context. The course includes a brief consideration of civil remedies for intentional harms, but mainly focuses on the problem of accidental injury to persons and property. It also provides an introductory look at alternative systems for controlling risk and allocating the cost of accidents in advanced industrial societies.

Performance Highlights:

Demonstrated a clear grasp of key tort principles and the contexts in which they apply.

Did a solid job of issue spotting and applying understandings of theories of responsibility and alternatives to evaluate and apply legal rules to specific situations.

Your exam adeptly analyzed legal problems while applying rules to new fact patterns.

Date: 1.20.2022 6:35PM



Northeastern University

School of Law

April 18, 2023

ADDRESS

Dear Judge:

I write to lend my most enthusiastic endorsement to Ingrid Sydenstricker in her application to clerk in your court. Ingrid was my student in a seminar on Sexuality, Gender, and the Law in 2022. She was among the most sophisticated thinkers in the class and wrote a paper that so surpassed my general expectations in the course that I encouraged her to submit it for publication. Ingrid comes with my highest recommendation.

Ingrid came to Northeastern University School of Law (NUSL) as a Public Interest Law Scholar (PILS). This full-tuition scholarship is granted only to those students whose academic credentials exceed the norm and who have demonstrated a commitment to pursuing social justice legal work. As an honors graduate and university scholar from the University of Chicago, Ingrid satisfied the former criterion. As to the latter, she was awarded the University of Chicago's Humanitarian Award, participated in the Pozen Summer Human Rights Fellowship, volunteered as a crisis counselor on a suicide hotline, worked as a paralegal for the ACLU of New York, and worked in environmental justice and policy analysis at Cornell University. This is all before she enrolled in law school. She was an ideal fit for the PILS scholarship.

Since her arrival, Ingrid has lived up to the promise that my colleagues in charge of the PILS scholarship saw in her. A review of Ingrid's transcript illustrates her continuing academic success; she has so far earned almost entirely honors and high honors in her classes. Her instructors from every course emphasize her leadership in class discussion, her top-notch research and writing skills, and her doctrinal mastery. In my seminar, Ingrid wrote one of the best papers I have received in fifteen years of teaching the course. She chose to write about an unsettled area of law that required grappling with complex constitutional doctrine: the advisability of establishing sanctuary cities to protect access to abortion. Ingrid not only wrangled the federalism doctrine to the ground, but also managed to perform a sophisticated legal realist analysis attentive to the risks as well as the concrete distributive effects of the full range of legal possibilities. Because her analysis was so sharp and the issue so timely and important, I urged her to develop the paper further into a law review article.

The rubber really hits the road, however, in the evaluation Ingrid received after working as a judicial intern for the Honorable Leo T. Sorokin of the Federal District Court of Massachusetts. She also served (at his invitation) as Judge Sorokin's teaching assistant for a course he teaches at Boston College Law School. Amy Robinson, the judge's permanent law clerk, summarized Ingrid's time in chambers as follows:

Ingrid is a star who ultimately performed more like an extra term law clerk than a student intern. She's one of the top 3 interns I have supervised in my ten years working for Judge Sorokin (plus 3 years working for other federal judges earlier in my career). The judge also places her among the top 3 interns he has encountered during his 17+ years on the bench. She so impressed him that he asked her to continue on a part-time basis to assist him with a restorative justice class he teaches in the spring at Boston College.

Robinson added, "Any employer, including any judge receiving an application from her for a post-graduate term clerkship, would be lucky to hire her." The evaluation goes on in greater detail, but I wish to highlight Ingrid's ability to work independently and incorporate feedback, as well as Robinson's remark that "Ingrid efficiently produced thoughtful, helpful work product showing her understanding of the relevant facts and legal principles. She was one of the most prolific interns we have ever had in our chambers." Ingrid was on an externship with an environmental justice organization, the 80 Acres Law Center, which has not, as of this writing, provided an evaluation, but which nonetheless suggests her continuing commitment to social justice.

Consistent with her ethic of community engagement, Ingrid has participated in various law student organizations, worked as a research assistant to one of my colleagues, and served on the Student Conduct/Title IX Board for the University. She is well-read, and speaks Portuguese, Spanish, French, and beginner Arabic. Her demeanor is generous, confident without a hint of arrogance, thoughtful, and good-humored.

In sum, Ingrid will be a pleasant addition and a working asset in any legal environment. If I can answer any questions, please do not hesitate to reach out to me at the coordinates below.

Sincerely,



Libby Adler
Professor of Law
Northeastern University
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617-373-7513

United States District Court

UNITED STATES COURTHOUSE
1 COURTHOUSE WAY,
BOSTON, MASSACHUSETTS 02210

LEO T. SOROKIN
UNITED STATES DISTRICT JUDGE

January 30, 2023

Re: Clerkship Reference Letter for Ingrid Sydenstricker

Dear Judge:

Ingrid Sydenstricker served as a full-time intern in my chambers from September, 2023 to December, 2023. Ingrid was so superb I asked her both (1) to stay on to assist me in completing a complicated Rule 12(c) decision and (2) to serve as my teaching assistant for the class I teach each Spring at Boston College Law School. Never before have I made similar asks of an intern. My reference letter is based on this experience. You should know that there is only one reason I am not hiring Ingrid as my law clerk upon her graduation from law school: my long-standing chambers rule not to hire my interns as law clerks.

When Ingrid arrived in my chambers she was, at best, halfway through her three years of law school. Yet, she quickly produced work on par with my term law clerks. Her legal research was both efficient and comprehensive. Her writing was excellent. She understands legal analysis requires much more than citing a legal rule coupled with an identification of the prevailing party perhaps with the word “thus” added. In her work she explained why the conclusion followed from the rule by persuasively applying the law she researched to the facts (determined under the proper legal standard) confronting the court. Most interns and many law clerks give short shrift to this step in their bench memos or draft opinions. Not Ingrid. The caliber of her early work persuaded me to treat her as if she was a law clerk.

Ingrid performed superbly in a range of matters. She was meticulous in her summary and analysis of the facts even in complicated cases requiring a close read of both various pleadings filed over a period of time and the docket. Her legal research was flawless. Her work encompassed not only the usual social security disability appeal I typically assign to interns, but a thorny nuanced recusal issue which arose in a large civil action pending before me, a motion for sanctions in a civil case arising from alleged trespass by a lawyer’s investigator that implicated the conduct of both the individual case as well as many other admiralty cases, and a complicated set of cross-motions requiring analysis of a state statutory scheme regulating mobile home parks. That case involved analyzing the rent control authority granted to a municipality over a mobile home park, the authority of the Commonwealth’s Attorney General to interpret the state statutory scheme, the application of a binding state supreme court interpretation of one aspect of the state statute and a novel sweeping remedy sought by the plaintiffs. She handled

each of these matters along with her other responsibilities well. Ingrid deserves what I consider the highest praise: when she writes or tells me something I know it is correct and I rely on it without hesitation. I also know Ingrid will bring to me meaningful questions and issues. And, she is the person that earnestly welcomes feedback and successfully incorporates it into her work.

Ingrid is also an excellent professional more in the mold of an experienced lawyer than second year law student. In the course of her internship I was meeting regularly with a team of high powered researchers from Massachusetts General Hospital about a possible joint project. Ingrid regularly communicated on my behalf with these researchers. She did so flawlessly.

Finally, Ingrid is just a lovely warm curious person. She was simply a delight to have in chambers. She has a wide array of interests and talents including that she speaks four languages fluently (English, French, Portuguese, and Spanish), with some language capacity in Arabic. She formed close comfortable relationships with my long time career law clerk, with my two term law clerks and the other intern in chambers. Personally, I very much enjoyed our conversations. She is deeply committed to becoming both an excellent lawyer and one whom dedicates her career to employing her skills on behalf of those in need.

Simply put: You should hire Ingrid. I give her the highest possible recommendation.

Very truly yours,

Leo T. Sorokin

Leo T. Sorokin
United States District Judge

June 09, 2023

The Honorable Juan Sanchez
James A. Byrne United States Courthouse
601 Market Street, Room 14613
Philadelphia, PA 19106-1729

Dear Judge Sanchez:

In my fifteen years of teaching, I have not encountered a student more obviously suited for a federal clerkship than Ingrid Sydenstricker. Ingrid chose to attend Northeastern University School of Law because our mission aligns with her own commitment to social justice; had she chose instead to attend a top tier law school I have no doubt she would be among the top in her class. She possesses the intellect, intellectual curiosity, skill, work ethic, attention to detail, and commitment to excellence to be an exceptional law clerk; I hope you give her application serious consideration.

Ingrid was a student in my Legal Skills in Social Context (LSSC) course her first year in law school. LSSC is a class unique to Northeastern, and therefore requires a bit of an introduction. LSSC is a year-long required course for all first-year students and has two components. Part of the class is a traditional first-year legal research and writing class; in the other component of the class students work as a group on an intensive year-long social justice project in partnership with a partner organization. Ingrid worked on a project on behalf of a nonprofit in Chicago whose mission is to support activists and organizations engaged in the work of rethinking policing.

In both portions of LSSC Ingrid's performance was outstanding, demonstrating exceptionally strong research skills, a natural affinity for legal analysis, and an excellent ability to communicate both orally and in writing. Ingrid is intellectually curious and a critical thinker, which allows her to comprehend the full range of possible analyses of an issue. Her ability to engage in deep analysis of complex legal issues is on par with the brightest attorneys I have worked with over the years. Ingrid's research skills are similarly strong; she approaches research thoughtfully, and therefore efficiently, and is able to use her strong analytical abilities to identify the relevance of cases that most students would have missed. Finally, Ingrid conveys her analysis effectively both orally and in writing. Her written work was always well-organized, beautifully written, clear, and concise. Given the strength of Ingrid's research and writing skills I have hired her to be a Teaching Assistant for me this fall. It is also no surprise to me whatsoever that Judge Sorokin remarked in Ingrid's co-op evaluation that she was among the top 3 interns he has worked with in over 17 years on the bench.

In addition to the strength of her intellect and skill, Ingrid is a dedicated professional who throws herself into everything she does. This was evident in her work on the project portion of the LSSC class. Her ability to think critically and creatively helped to guide the project in important ways, and her contributions to the final work product were excellent. This included being one of the presenters of the project's culminating community presentation, where she demonstrated exceptionally strong oral communication skills. Most notably, however, it became clear early on that Ingrid is a natural leader. Her strong organizational skills, commitment to producing a quality work product, and the respect and support she showed her classmates, inspired others in the class to do their best work as well.

What is perhaps most remarkable about Ingrid, however, is that her intellect and skill are matched by her personal qualities. She is an incredibly thoughtful person in everything she does, someone who is deeply committed to and passionate about social justice, as well as kind and respectful to all. In short, she is a lovely human being who would be a pleasure to work with. I can't recommend her strongly enough.

If you should have any questions, please feel free to contact me.

Sincerely,

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WRITING SAMPLE

Ingrid Vianna Sydenstricker
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The following is a decision resolving cross-motions for judgment on the pleadings regarding rent policies at a manufactured housing development. I drafted the decision in February 2023 as part of my internship with the Hon. Leo T. Sorokin at the U.S. District Court for the District of Massachusetts. While the decision was revised before it was issued, it largely reflects my own work. The decision is shared with Judge Sorokin's permission.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EDWIN BARTOK, et al.,

Plaintiffs,

V.

HOMETOWN AMERICA, LLC, et al.,

Defendants.

Civil No. 21-10790-LTS

ORDER ON DEFENDANTS' AND PLAINTIFFS' CROSS-MOTIONS FOR PARTIAL
JUDGMENT ON THE PLEADINGS (DOC. NOS. 78, 88)

February 27, 2023

SOROKIN, J.

In 2021, plaintiffs Edwin Bartok, Barbara Lee, and the Manufactured Home Federation of Massachusetts, Inc. (“MFM”) commenced this action against Defendants for alleged violations of the Consumer Protection Act and the Manufactured Housing Act. Bartok and Lee are residents at the manufactured housing communities at Miller Woods and Oak Point, respectively, which are owned and operated by Defendants. MFM is a “membership-based, non-profit organization which is dedicated to protecting the rights of manufactured housing residents in Massachusetts.” Doc. No. 11 ¶ 20.¹

In 2022, Defendants moved for partial judgment on the pleadings as to Counts II and IV of the First Amended Complaint, those pertaining to Oak Point. Doc. No. 78. Plaintiffs then cross-moved for judgment on the pleadings to strike the Fourth, Seventeenth, and Eighteenth

¹ Citations to “Doc. No. ___” reference documents appearing on the court’s electronic docketing system; pincites are to the page numbers in the ECF header.

Additional Defenses asserted in Defendants' Answer and Defenses to the First Amended Class Action Complaint. Doc. No. 26 at 16, 20; Doc. No. 88. The motions are fully briefed, and the Court heard argument on January 6, 2023. Doc. No. 109.

The Court first addresses Defendants' motion, applying the familiar Rule 12(c) standard in which the Court accepts all facts pled by Plaintiffs as true and draws all reasonable inferences in Plaintiffs' favor. After carefully reviewing the parties' submissions and arguments, the Defendants' Motion for Partial Judgment on the Pleadings (Doc. No. 78) is DENIED. Subsequently, the Court proceeds to Plaintiffs' cross-motion, applying the same legal standard and finding that even when all reasonable inferences are drawn in Defendants' favor, Plaintiffs prevail. Accordingly, Plaintiffs' Cross-Motion for Judgment on the Pleadings (Doc. No. 88) is ALLOWED.

I. BACKGROUND

The Manufactured Housing Act ("MHA"), originally passed by the Massachusetts Legislature in 1939, was designed to "protect the rights of residents of mobile home parks." Layes v. RHP Props., Inc., 133 N.E.3d 353, 361 (Mass. App. Ct. 2019). Since then, the Legislature has further developed this regulatory scheme by enacting amendments that provide additional protections, such as those passed in 1973. Blake v. Hometown Am. Cmty., Inc., 158 N.E.3d 18, 27-28 (Mass. 2020). These protections were instituted to preserve the affordability of manufactured housing communities ("MHCs"), particularly for low-income families and the elderly. Id. Such protections include prohibiting no-cause evictions, barring the imposition of unreasonable insurance requirements on residents, and requiring that MHC operators provide residents with notice and relocation costs in the event of the MHC's closure. Id. at 27. In passing the amendments, the Legislature also recognized that creating and preserving the affordability of

MHCs required MHCs to be secure investments such that owners would be able to recoup their costs and get an adequate return on their investments. Id. at 29.

Among their many protections, the amendments include the provision codified at § 32L(2)—central to the present suit—which states: “Any rule or change in rent which does not apply uniformly to all manufactured home residents of a similar class shall create a rebuttable presumption that such rule or change in rent is unfair.” Mass. Gen. Laws ch. 140, § 32L(2). The same section provides that failure to abide by § 32L(2) “shall constitute an unfair or deceptive practice” under Chapter 93A, § 2(a), thus subjecting those in violation to liability. Id. § 32L(7).

Determining the meaning of the MHA is a question of statutory interpretation ultimately left to the courts. Blake, 158 N.E.3d at 26. In interpreting statutes, the Court is guided by the intent of the Legislature as determined by the plain meaning of the statute’s language when considered in the context of the Legislature’s overall goals in enacting the statute. Id.

When considering the MHA, and specifically § 32L(2), the Court does not confront a blank slate. Under Chapter 140, § 32S and Chapter 93A, § 2(c), the Massachusetts Attorney General (“AG”) is empowered to interpret and enforce the MHA, including through adopting regulations. The Court is required to give substantial deference to the AG’s interpretation unless it is found to substantially contradict the plain language of the statute. Blake, 158 N.E.3d at 26. The AG’s interpretation of § 32L(2) is found in the AG’s own regulations, Manufactured Housing Community Regulations (“Regulations”), and the additional guidance found in The Attorney General’s Guide to Manufactured Housing Community Law (2017) (“Guide”).² 940 Code Mass. Regs. 10.00–10.14 (1996). The AG also provided further clarification regarding

² Mass. Att’y Gen.’s Off., *The Attorney General’s Guide to Manufactured Housing Community Law* (2017), available at <https://www.mass.gov/doc/attorney-generals-guide-to-manufactured-housing-nov-2017>.

§ 32L(2) in an amicus letter to the Supreme Judicial Court (“SJC”) in Blake, when the SJC was tasked with providing its own interpretation of the provision. Doc. No. 88-6; see Blake, 158 N.E.3d at 28-29.

The use of the term “similar class” as found in § 32L(2) appears only in the Guide, in which the AG states that “[i]n general, any change in rent must be applied uniformly to all residents of a similar class. A rent increase that is not applied uniformly to residents who receive similar services and have similar lot sizes may be unfair under the [MHA].” Guide at 24. The Regulations, while not referring to “similar classes,” use the term “non-discriminatory rent increases” to refer to “proposed rental increases . . . that are apportioned equally among similarly situated tenants in the community.” See 940 Code Mass. Regs. 10.01, 10.05(4)(c), 10.05(8) (1996). As described in the AG’s amicus letter to the SJC in Blake, the Regulations and the Guide embody the AG’s interpretation of § 32L(2). Doc. No. 88-6 at 3.

In that same letter, the AG explained that a determination of similar classes under § 32L(2) requires a “fact-specific inquiry that principally relates to the nature of the residents’ lots and the services they receive” Id. While such an inquiry presumes unfairness when similar classes are treated differently in rent—as written into the statute—certain circumstances may warrant the non-uniformity. Id.; Blake, 158 N.E.3d at 29. Such a showing would rebut the presumption; failure to rebut the presumption renders the non-uniform rent structure unfair.

The SJC—the final authority on Massachusetts law—has also recently construed § 32L(2). In Blake, the SJC was confronted with an MHC operator who, upon purchasing the MHC, promptly raised the rent for all new lot rental agreements by ninety-six dollars a month. Blake, 158 N.E.3d at 24. Residents and tenants who had entered into agreements before the change in ownership were not subject to the increase in rent, despite having similar sized lots

with access to similar amenities. Id. In its decision determining whether the non-uniform rents constituted a violation of § 32L(2), the SJC provided several key holdings:

[W]e reject the owners' argument that time of entry into a lot rental agreement renders the renters dissimilar under the statute.

* * *

The defendants argue that the timing of entry into lot rental agreements renders the plaintiffs not in a “similar class” under the statute, even if the lots rented are essentially the same with the same amenities. This contention is incorrect.

* * *

Charging different amounts of rent for essentially the same lot appears to violate the uniformity presumption presented by the plain language of the statute. Although different lot sizes or amenities would clearly divide the residents into different classes, time of rental does not appear to defeat the uniformity principle contained within the statute. If every time a lot turned over, a different class were created, there would be no uniformity whatsoever.

* * *

Section 32L (2) clearly states this concern [of maintaining manufactured housing communities as affordable housing options] by creating a presumption that nonuniform rents for similar classes of residents are unfair.

* * *

In sum, the language and legislative history of § 32L (2) provide for a presumption of uniform treatment and protection of the low income residents of manufactured housing communities, new and old. Nowhere does the text or legislative history of the statute indicate that a turnover in a lot lease would create a new class of resident and subject that new resident to paying more rent than others for the same lot. If every such change created a new class of resident, and allowed unrestricted rent increases, there would be no uniformity and no protection.

* * *

In light of the text of the statute as a whole, the Attorney General's guidance, and the legislative history, we hold that time of entry into an occupancy agreement does not create a dissimilar class under § 32L (2). Such an interpretation would allow a manufactured housing community operator to completely circumvent § 32L (2) by